



215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 51754 of 2023 (O&M)
Date of decision :16.05.2024

Bikram Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Sanjeet Singh Taank, Advocate for
Mr. J.S.Gill, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Dinesh Mahajan, Advocate
for the complainant.

PANKAJ JAIN, J. (ORAL)

1 On 18.01.2024 the following order was passed:-

“ Apprehending his arrest in FIR No.24 dated 10.04.2022, registered for offences punishable under Sections 420, 120-B of the Indian Penal Code, 1860, Section 13 of Punjab Prevention of Human Smuggling Act, 2012 and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Bhanik Mian Khan, District Gurdaspur, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner submits that even if the allegations are taken on their face value it is only an amount of Rs.1,53,000/- that has travelled to the account of the petitioner and the petitioner in order to show his bona fide is ready to pay back the same.



Issue notice of motion, returnable for 15.04.2024.

Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent/State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.

The petitioner shall remain bound by his undertaking to the effect that he shall pay an amount of Rs.1,00,000/- within a week and further amount of Rs.53,000/- within two weeks thereafter by way of demand draft to the complainant.”

2 Learned State counsel on instructions from Investigating Officer has stated that pursuant to the order dated 18.01.2024 the petitioner has joined investigation and is no longer required for custodial interrogation.

3 In view of above, the interim order dated 18.01.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4 This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5 This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.

6 The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts



made in pursuance of information supplied by the petitioner in case the occasion arises.

7 It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

8 Petition stands disposed off.

9 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

16.05.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No