



208 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-256-2025 (O&M)
Date of Decision: 11.02.2025

SHRI KRISHAN

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sushil Jain, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Instant petition is preferred under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory
bail in FIR No. 480 dated 22.12.2024 under Sections 316(2) & 318(4) of
Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') [erstwhile Sections 406 &
420 of the Indian Penal Code, 1860 (for short 'IPC')], registered at Police
Station Sector 27, Sonipat, District Sonipat.

2. On 09.01.2025, following order was passed:

*"Instant petition is preferred under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS')
seeking anticipatory bail in FIR No.480 dated 22.12.2024 under
Sections 316(2) & 318(4) of Bharatiya Nyaya Sanhita, 2023 (for
short 'BNS') [erstwhile Sections 406 & 420 of the Indian Penal
Code, 1860 (for short 'IPC')], registered at Police Station Sector
27, Sonipat, District Sonipat.*

*Learned counsel for the petitioner, inter alia,
contends that the petitioner is not the immigration consultant and
he is related to the complainant. The complainant deposited
Rs.50,000/- in the bank account of the petitioner, who handed
over the said amount to the main accused for processing the visa
of the complainant. Thereafter, the complainant was granted visa,
however, he was deported by the Canadian Authorities.*

Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is punishable upto 07 years. Even no notice under Section 35 of BNSS [erstwhile Section 41-A of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')] was served upon the petitioner.

Notice of motion.

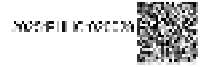
On asking of the Court, Mr. Pankaj Middha, Addl. AG, Haryana accepts notice on behalf of the respondent-State and on instructions from the Investigating Officer, submits that offence under Section 61(2) of BNS (erstwhile Section 120-B of IPC) has been added on 30.12.2024 during the investigation.

Adjourned to 11.02.2025.

Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of Cr.P.C.).

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law."



3. Learned State counsel on instructions from SI Neeraj, submits that in compliance of order dated 09.01.2025 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 09.01.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C./482(2) of B.N.S.S.
5. The petition is accordingly disposed of.

(HARPREET SINGH BRAR)
JUDGE

11.02.2025
Ajay Goswami

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>