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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-14006-2025

Date of decision: 05.04.2025

Balwant Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Abnash Singh, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR No.01 dated 06.02.2025 (Annexure P-1) under Sections 406/420 of IPC and Section 24 of Immigration Act, registered at Police Station NRI District Sangrur Punjab (Annexure P-1).

On 12.03.2025, the 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.01 dated 06.02.2025 under Sections 406 & 420 of the Indian Penal Code, 1860 and Section 24 of Immigration Act, 1983, registered at Police Station NRI, District Sangrur.

Learned counsel for the petitioner, inter alia, contends that the petitioner is not working as travel agent. The complainant, who was known to the petitioner, requested him for transferring an amount of Rs.3.50 lakhs to the account of travel agent for facilitation of tourist visa of his son to Cyprus and in fact, son of the complainant travelled to Cyprus. As per the case set up by the prosecution, the complainant was promised that his son would be provided a work visa along with a job in Cyprus. Further, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is punishable upto 07 years and no notice under Section 35 of BNSS [erstwhile Section 41-A of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')] has been served upon the petitioner. The petitioner is having clean antecedents and is not involved in any other case.

Notice of motion for 05.04.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51;***



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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 the Code of Criminal Procedure, 1973). 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.'

Learned State counsel on instructions from ASI Gurjant Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 12.03.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

05.04.2025

Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No