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PUNJAB AND HARYANA HIGH COURT

Before: Anil Kshetarpal, J.

CRM-M-27694-2020(O&M)

Decided on: 27.10.2020

Iliyas Masih

Petitioner

Versus

State of Punjab and another

Respondents

Present:

Mr.Ritesh Pandey, Advocate for the petitioner

Ms. Samina Dhira, DAG, Punjab

Mr. A.S.Bhatti, Advocate for the complainant-respondent no.2

Indian Penal Code, 1860 (45 of 1860), Section 420 -- Punjab Prevention of Human Smuggling Act, 2012 (Punjab Act 2 of 2013), Section 13 -- Code of Criminal Procedure, 1973 (2 of 1974), Section 438 -- Second bail application for anticipatory bail -- Petitioner alleged to have received a sum of Rs.9 lacs, in order to help the first informant's son to immigrate to Canada -- First informant and the petitioner have settled the matter not disputed by first informant -- Arrest of the petitioner stayed subject to the petitioner joining investigation as and when called upon to do so by the Investigating Officer -- Petitioner shall be bound by the conditions as envisaged under 438 Cr.P.C.

(Para 3-7)

ANIL KSHETARPAL, J. (ORAL) --

1. This is second petition for grant of pre-arrest bail to the petitioner in a criminal case arising from FIR No.192, dated 11.9.2019, registered under Section 420 IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2014, at Police Station Civil Line, Police Distt. Batala, District Batala.

2. The first bail petition filed by the petitioner was dismissed on 8.11.2019.

3. As per the case of the prosecution, the petitioner is alleged to have received a sum of Rs.9 lacs, in order to help the first informant's son to immigrate to Canada.

4. Learned counsel for the petitioner submits that the first informant and the petitioner have settled the matter and a settlement deed (Annexure P-2), has been signed between them.

5. Sh.A.S.Bhatti, Advocate, has put in appearance on behalf of the first informant i.e respondent no.2 and does not dispute the aforesaid deposition.

6. Keeping in view the aforesaid facts, the arrest of the petitioner is stayed subject to the petitioner joining investigation as and when called upon to do so by the Investigating Officer. The petitioner shall be bound by the conditions as envisaged under Section 438 Cr.P.C. The Investigating officer shall be at liberty to move an application for recall of this order, if the petitioner does not cooperate.

7. With the aforesaid observations, the present petition stands disposed of.

Petition allowed.



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