

**IN THE COURT OF SHRI PUSHVINDER SINGH, UID No.PB0116 ,
ADDITIONAL SESSIONS JUDGE, AMRITSAR,**

BAIL APPLICATION NO. : 2400 of 2019
CNR NO. : PBAS01-012525-2019
DATE OF INSTITUTION : 06.05.2019
DATE OF ORDER : 07.05.2019

STATE Vs 1. Bau Singh
2. Gurmakh Singh, both sons of Roopa Singh,
residents of village Sarangdev, Tehsil Ajnala,
District Amritsar

APPLICANTS-ACCUSED

FIRST INFORMATION REPORT NO. : 36 of dated 15.03.2019

UNDER SECTIONS : 420/120-B IPC and
section 13 of Punjab
Prevention of Human
Smuggling Act, 2012

POLICE STATION : Bhindi Saidan

Ist Bail application under section 438 Cr.P.C for the grant of
anticipatory bail.

PRESENT:-Sh. Kultar Singh, Counsel for applicants-accused

Sh. Onkardeep Singh Malhi, Addl.P.P. for the State.

ORDER

1. This application has been filed by applicant-accused Bau Singh and Gurmakh Singh aforesaid, for anticipatory bail application stating that they are innocent and have been falsely implicated in this case. They never committed any offence. There is no specific allegation against them.

2. Notice was given to State. Upon notice learned Additional Public Prosecutor appeared on behalf State and opposed the bail application. Investigating Officer also came present alongwith Police file.

3. I have heard learned Additional Public Prosecutor for State, learned counsel for the applicant-accused and gone through the Police file.

4. From the perusal of the Police file I find that case was registered on the basis of an inquiry conducted by Economic Wing-I, Amritsar Rural on the complaint filed by Wazir Singh and Bhola Singh. The allegations against the applicants-accused are that they alongwith Chhindo, Balbir Singh, Punna Singh, Roopa Singh, cheated complainants and other persons and they demanded an amount of Rs.2,50,000/- per person for procuring work permit to the sons of complainants and applicants-accused and others received Rs.3,60,000/- from complainant and four others persons but the accused persons fraudulently got provided tourist viza to the sons of the complainants and thereafter they demanded more money for providing work permit and when th sons of the complainants showed their inability to pay other money, then the accused persons threatened them. I find that the allegations against the applicants-accused and others are very serious and the case was registered against the applicants-accused and others after conducting inquiry. So, I find that for proper investigation, custodial interrogation of the applicants-accused is required and they are not entitled for extraordinary relief of anticipatory bail. Moreover, the law is well settled that the order of pre-arrest bail cannot be allowed in a routine manner and to circumvent normal procedure of arrest, recovery of case property from the accused and the investigation by the Police. The Court has also to see that

the investigation is in the province of the Police and an order of anticipatory bail should not operate as an in-road into the statutory powers of the Police, in exercising the judicial discretion in granting the anticipatory bail in such type of serious matters. Even otherwise, the Hon'ble Apex Court has held in case titled as **Jai Parkash Singh vs State of Bihar & Another reported as 2012(2) RCR(Crl.) 251** “that Anticipatory bail cannot be granted as a matter of rule. Anticipatory bail being an extraordinary privilege should be granted only in exceptional cases”. In the present case, there is no extraordinary or exceptional circumstance. Accordingly, the applicants-accused are not entitled for anticipatory bail. So, the bail application filed by applicants-accused is hereby dismissed. File of present bail application be consigned to the record room.

PRONOUNCED IN OPEN COURT.

DATED : 07.05.2019

***(PUSHVINDER SINGH)
ADDITIONAL SESSIONS JUDGE,
AMRITSAR
UID No.PB0116***

Naresh Kumar
Stenographer(Grade-II)

I adhere to the motto
and the philosophy
of this court