

ITEM NO.24

COURT NO.15

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No.644/2020

(Arising out of impugned final judgment and order dated 21-11-2019 in CRM-M No. 40355/2019 passed by the High Court of Punjab & Haryana at Chandigarh)

RANJIT SINGH @ RANA

Petitioner(s)

VERSUS

THE STATE OF PUNJAB & ANR.

Respondent(s)

(List the matter after four weeks. (Ref. : R/P dated 23.11.2020)

(IA No. 48595/2020 - EXEMPTION FROM FILING AFFIDAVIT, IANo.14456/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT & IA No. 14457/2020 - EXEMPTION FROM FILING O.T. & IA No. 48594/2020 - INTERVENTION/IMPLEADMENT)

Date : 30-11-2021 This SLP along with applns. were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s)

Mr. Sidharth Dave, Sr. Adv.
Mr. Kumar Vaibhav, Adv.
Ms. Devina Sehgal, AOR
Mr. Aditya Vaibhav Singh, Adv.
Ms. Saumya Gupta, Adv.
Ms. Vidhi Thaker, Adv.

For Respondent(s)

Mr. Shreyas U. Lalit, Adv.
Mr. Karanvir Gogia, Adv.
Ms. Jaspreet Gogia, AOR

Mr. Rahul Gupta, AOR

UPON hearing the counsel the Court made the following

O R D E R

Exemptions are allowed.

Taking into consideration the averments made in the application seeking impleadment of complainant as a party respondent, the said application is allowed.

Cause title be amended accordingly.

The petitioner, who is stated to be a travel agent, promised the complainant to send his son and one more relative to USA. The petitioner initially demanded a payment of over Rupees 32 Lakhs, and the same was paid to him. The petitioner sent the two young boys firstly to Suriname in South America and from there, the boys were taken to Bahamas. It appears that the entire effort was to help illegal entry of the victims/boys in USA. The boys were arrested by Royal Bahamas Police Force in August, 2017 and are presumably languishing in jail there.

The complainant lodged the FIR under Sections 420 and 406 of Indian Penal Code read with Section 24 of the Immigration Act, 1983 against the petitioner and his wife.

The Learned Additional Sessions Judge, Kapurthala, Punjab granted pre-arrest bail to the petitioner's wife but declined the petitioner's prayer for bail. He thereafter surrendered and applied for regular bail.

The Trial Court and then the High Court vide its impugned Order dated 21-11-2019 turned down the petitioner's prayer for regular bail.

This Court vide Order dated 07-07-2020 directed that the petitioner be released on interim bail for a period of two months, subject to his depositing a sum of Rs.40,00,000/- for which he had given a bank guarantee, within two weeks' from the said date. He had undertaken that after being released on interim bail, the petitioner shall make efforts to locate and bring back the boys and that he shall mark his presence in the local police station every Sunday in the morning, besides, surrendering his passport with the

Trial Court. The petitioner complied with the above-cited Order and deposited a sum of Rs.40,00,000/- with the Trial Court. The petitioner surrendered after expiry of the period of two months of the interim bail. Thereafter, this Court passed the following Order on 23-11-2020:-

"Learned counsel for the petitioner submits that in pursuance of earlier order of this Court dated 07.07.2020, the petitioner has already deposited Rs.40 lacs and has also made efforts to locate and bring back the children of the informant. He further submits that as per the information received, certain persons were arrested by Royal Bahmas Police in August, 2017 and the petitioner apprehends that the children may be in custody of Royal Bahmas Police Force.

Learned counsel appearing for the State submits that the petitioner was released on the condition that he shall locate and bring the children. He has not done any effort in this regard. Learned counsel for the petitioner submits that the petitioner could not travel to Bahmas to find out the details of the children as air travel was not permitted. He further submits that he shall continue to make an effort to bring the children and provide all necessary assistance to the State as well to the Union of India. He further submits that he was released for two months and after two months he has surrendered on 10.09.2020.

In view of above submissions, we are of the view that the petitioner is entitled to be released on interim bail subject to such terms and conditions as may be fixed by the Trial Court. We order accordingly. The conditions may also include the condition that the petitioner shall make an effort to locate and bring back the children of the informant and he shall render all necessary assistance to the State as well as to the Union of India.

The petitioner is also permitted to serve a copy of the petition in the office of the learned Solicitor General. List the matter after four weeks.

In the meantime, learned Solicitor may obtain instructions in this regard."

The petitioner thus continues on interim bail but the fact of the matter is that the two young boys who are son and relative of the informant are yet to be traced and released.

Learned counsel for the complainant/informant states that the petitioner has rendered no assistance to bring the children back and the informant/complainant has no information about the whereabouts of the children as there is no contact with them for over last 3 years.

Having heard learned counsel for the parties, it appears to us that no useful purpose shall be served by keeping these proceedings pending and/or by cancelling the interim bail granted to the petitioner.

We thus deem it appropriate to dispose of this Special Leave petition with the following directions:-

(i) the interim bail granted to the petitioner is confirmed subject to the condition that his passport shall remain deposited with the local police and he shall continue to attend the trial proceedings;

(ii) the amount of Rs.40,00,000/- deposited by the petitioner with the Trial Court is directed to be released in favour of the informant/complainant unconditionally, subject to the satisfaction of the identity of the informant/complainant. The needful shall be done within one week from today;

(iii) the Punjab Police shall make earnest efforts through the Union of India, Ministry of External Affairs, to invoke diplomatic channels to find out the whereabouts of the missing boys and if they are found to be in custody in a foreign country, let all-out efforts be made to secure their release in accordance with law. The petitioner shall fully co-operate with the Government agencies in this regard and shall also bear additional expenditure, if any, incurred in this process. The Union of India or the State

of Punjab shall be entitled to recover such additional expenditure through lawful means from the petitioner. In case of any resistance by the petitioner in this regard, the complainant, State of Punjab or Union of India, as the case may be, shall be at liberty to move this Court for cancellation of bail.

We make it clear that we have not expressed any opinion on the merits of the case and the Trial Court shall decide the matter as per its own merits and in accordance with law.

We further clarify that order to release the amount of Rs.40,00,000/- in favour of the informant/complainant shall not be construed as an implied confession of guilt by the petitioner.

With the above observations, the Special Leave Petition is disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)