

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

CRL. MISC. No.M-11890 OF 2016
DATE OF DECISION : 26th JULY, 2016

Kulwinder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Zorawar Singh Chuahan, Advocate for the petitioner.
 Mr. Shilesh Gupta, Additional Advocate General, Punjab.
 Mr. Mehtab Singh Khara, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.01 dated 17.01.2016 registered under Sections 406 & 420 read with Section 120-B IPC, Section 24 Immigration Act and Section 13 of the Human Smuggling Act, 2012 at Police Station Bholath, District Kapurthala.

Heard learned counsel for the rival parties.

The petitioner was arrested on 18.01.2016 and is in jail since then. Admittedly, the challan has been presented before the concerned court.

Learned counsel for the complainant has vehemently opposed the plea for regular bail by the present petitioner on the ground that the complainant has lost his son, who was sought to be sent to America illegally.

Learned State counsel seeks time to comply with order dated 27.05.2016.

Insofar as the present petitioner is concerned, he has been in jail since 18.01.2016. Since the challan has been filed and the investigation has been completed, no useful purpose will be served by continuing the detention of the petitioner in jail. The complaint would not get anything at all by keeping the petitioner in jail. The trial will take its own time to conclude.

In that view of the matter the, I am inclined to grant bail to the petitioner. Hence, I make the following order:

ORDER

- (i) The petition is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned Trial Court.

This Court, upon hearing the learned counsel for the parties, had made order dated 27.05.2016 asking the concerned Superintendent of Police to file affidavit detailing the role of each of the accused. *Prima facie* I find that Harbhajan Singh is the main person, who is said to have been declared innocent by the police as stated by learned State counsel.

In that view of the matter Superintendent of Police concerned to place on record affidavit as under what circumstances Harbhajan Singh was declared innocent. Let the affidavit be filed by way of last chance on the next date of hearing.

Though this matter is disposed of finally, however the same be listed on 10.08.2016 to await the affidavit of the concerned Superintendent of Police.

Copy of this order be supplied to the learned State counsel under signature of the Bench Secretary.

26th JULY, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE