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

**CRM-M-33784-2017 (O&M)
Date of decision: - 20.9.2017**

Pawan Rai Gandhi

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Mr. K.D. S. Hooda, Advocate for the petitioner.

Mr. Naveen Kaushik, Add. AG, Haryana.

ARVIND SINGH SANGWAN, J (ORAL)

This is a petition under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 76 dated 27.3.2017 under Sections 406, 420, 467, 468, 471, 323, 342, 120-B of IPC, registered at Police Station Baldev Nagar, District Ambala.

Learned counsel for the petitioner submits that the FIR was registered with the allegation that Tajinder Pal Singh and Surjit Singh have given an amount of ₹ 16 lacs each to their agents for sending them to Canada and they were sent to Bangkok. Later on, during the investigation, police arrested the petitioner and one Abdul Rahman and on their disclosure statements, the other co-accused were also arrested. He further submits that petitioner-Pawan Rai Gandhi is a disabled person and is not in a position to walk properly.

Learned counsel for the petitioner further submits petitioner is in judicial lock up since 28.4.2017 and an amount of ₹ 3.00 lacs has been recovered from him. He further submits that challan has already been presented before the trial Court; petitioner is not involved in any other case and the offences are triable by the Court of Magistrate.

On the other hand, learned State counsel, on instructions from ASI Bhupinder Singh, has opposed the bail application. However, this fact is not disputed that petitioner is a permanent handicapped person who is not in a position to walk properly. Learned State counsel further submits that out of 7 accused 3 accused have been arrested and 4 accused are yet to be recovered.

Learned counsel for the petitioner refers to the order dated 24.8.2017 passed by this Court in CRM-M-25021-2017, vide which co-accused Sunil Kumar @ Sunny @ Chapra, has been granted the concession of regular bail.

In view of above and without commenting upon merits of the case, present petition is allowed. Petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/trial Court.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

20.9.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No