

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

CRM -M-39336 of 2016 (O&M)

Date of decision: 11.01.2017

Gurwinder Singh Kalsi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. N.S. Lucky, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 124 dated 31.07.2016, registered under Sections 406, 420 of IPC and Section 24 of Immigration Act, at Police Station Sultanpur Lodhi, District Kapurthala.

It is contended that the complainant along with Nirmal Singh who is known to the petitioner approached him for sending his son abroad. Subsequently, the petitioner introduced the complainant and Nirmal Singh to co-accused, Abhishek Tandon. In the presence of complainant and Narinder Singh, the entire payment was made to co-accused Abhishek Tandon. Therefore, the learned counsel states that the main accused is Abhishek Tandon and the petitioner has not received any money from the complainant. The petitioner is in custody since

11.08.2016.

On the other hand, learned State counsel opposes the bail application and states that the petitioner played an active role in furtherance of the crime. In fact the whole amount was received by the petitioner. The petitioner also forced the son of the complainant to call that he has landed in Canada. The challan stands presented but the charges are yet to be framed.

I have heard learned counsel for the parties and perused the record.

Considering the fact that the petitioner is in custody since 11.08.2016; the co-accused, Abhishek Tandon who allegedly received the entire money has been admitted to bail, vide order dated 11.11.2016; the challan stands presented, however, the charges are yet to be framed, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court. In case, the petitioner hold the passport, he shall surrender the same before the releasing Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

11.01.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No