

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-39859 of 2017
Date of Decision: 01.12.2017

Rajinder Kumar @ Jyoti

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. J.S. Thakur, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. D.A.G., Punjab

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.245 dated 18.10.2016 registered for offences punishable under Sections 420, 406 read with Section 120-B of Indian Penal Code (for short, "IPC") and 13 of Punjab Travel Professional Regulation Act, 2014 at Police Station Division No. 7 Jalandhar, District Jalandhar.

Heard.

As per allegations in the FIR, the petitioner is a travel agent, who allured complainant for sending and settling him in Australia. The deal was settled for ₹9 lacs out of which ₹3 lacs were transferred in the account of petitioner on 16.11.2015. Remaining payment was made to other co-accused, who are stated to have been declared proclaimed offenders.

Learned State counsel submits that the police after completion of investigation has presented the challan against petitioner. The petitioner was arrested in this case on 12.06.2017. The other two accused have been

declared proclaimed offenders.

Without expressing any opinion on merits of the case and keeping in view the period of incarceration of petitioner and the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Rajinder Kumar @ Jyoti is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

December 01, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No