

S.No.210

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

**CRM-M-39619 of 2018 (O&M)
Date of Decision:14.09.2018**

Jaskaran Singh Petitioner

Vs.

State of Punjab Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Vikram Jeet Singh, Advocate
 for the petitioner.

 Mr. K.S. Aulakh, DAG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.41 dated 18.03.2018 registered under Section 420 IPC and (Section 13 of Punjab Prevention of Human Smuggling Act, 2012 added later on) at Police Station Urban Estate, Patiala.

Counsel for the petitioner contends that the petitioner has not received any money from the complainant. Except the self serving statement of the complainant, there is no documentary evidence to show that the petitioner ever received any amount from the complainant assuring him to send him to Dubai. It is further contended that otherwise also, the petitioner himself has accepted that, in fact, he had gone to Dubai and returned from there. Counsel further contends that the petitioner is in custody since 07.07.2018. He is not required for any investigation

purposes. The appeal is likely to take long time since the charge has not been framed so far.

On the other hand learned State Counsel, being instructed by ASI Kulbir Singh, submits that the petitioner has taken money from the complainant for sending him abroad, although, the petitioner had no license to deal in the subject. However, the counsel does not dispute that the petitioner is in custody since 07.07.2018 and that he is not required for any investigation purposes.

In view of the above submissions of counsel for the petitioner, but without commenting upon merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

September 14, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No