

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49478-2018 (O&M)

Date of decision:16.11.2018

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Ramandeep, Advocate
for the petitioner.

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

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.232 dated 08.09.2018 under Section 420 of IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Kotwali Patiala, District Patiala.

Learned counsel for the petitioner contends that the allegation against the petitioner is qua receiving Rs.1.5 lacs from the complainant for arranging viza to go to Georgia. The complainant alleged that he was to be sent to Georgia for a period of 10 years. However, he was not provided viza for a period of 10 years. Therefore, he has been cheated. It is argued by the counsel that the petitioner had never assured the complainant for providing viza for any country. In fact, the petitioner had referred the petitioner to one Ronak Singh, the person known to the complainant, for arranging viza for the complainant for Georgia. The said Ronak Singh actually arranged the viza bearing No.L5037218 for sending the complainant to Georgia. Accordingly, he had also sent a guarantee letter for the viza. Although, these facts were disclosed to the Investigating Officer, however, instead of

catching hold of the real culprit, if any, the petitioner has been made a scapegoat. Still further, it is contended by the counsel that the petitioner is in custody since 26.09.2018. However, so far, no challan has been filed.

On the other hand, learned State counsel submits that the petitioner has received an amount of Rs.1.5 lacs from the complainant for sending him to Georgia on work permit for a period of 10 years. But neither the petitioner is sending the complainant to Georgia nor the amount has been returned by him. However, counsel for the State has not disputed the fact that the above said Ronak Singh has not even been joined in the investigation by the police, despite having been specifically disclosed as the real culprit, by the petitioner.

In view of the above submissions made by counsel for the petitioner, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

16.11.2018

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No