

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-10731-2019

Date of Decision: 10.04.2019

KUNAL VERMA

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.K. S. Dadwal, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No. 112, dated 30.09.2018, under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code ('IPC' - for short) and Section 13 of the Prevention of Human Smuggling Act, registered at Police Station City Fazilka, District Fazilka.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR wherein it is alleged that three persons named therein had duped the complainants by accepting a total sum of ₹9,90,000/- to send them abroad. The petitioner has been arraigned as an accused on the statement of another person namely Lalit Jain who had alleged that ₹1 lakh had been paid in the account of the petitioner. The co-accused Jaspreet Kaur has also stated that the petitioner had acted in connivance with them. Learned counsel for the petitioner however, contends that the prosecution story is highly improbable as the petitioner is running his shop at Jagraon and there would be no occasion for him to go to Fazilka as he has no connection with the immigration office under

the name 'Gulf Job Group' at Fazilka which is run by co-accused Jaspreet Kaur as mentioned in the FIR. He also contends that the petitioner is not involved in any other case of similar nature.

Learned State counsel, on instructions from ASI Manook Singh is not in a position to controvert the submission made by learned counsel for the petitioner as the petitioner is not involved in any other case of similar nature but she states that the petitioner is involved in another case i.e FIR No.351 dated 24.12.2014 under Section 324, 323, 341, 148 and 149 IPC registered at Police Station Kotwali Jagraon. She further contends that upon completion of investigation in the case, the challan has been presented but no prosecution witness has been examined.

Heard.

In view of the submissions of the learned counsel for the petitioner especially when the petitioner is not named in the FIR, he is in custody for over three months and conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

April 10, 2019

A.Kaundal

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