

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

CRM-M-47910-2018 (O&amp;M)

Date of Decision:-8.1.2019

Gurdarshan Singh Saini

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Karan Singla, Advocate for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

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**GURVINDER SINGH GILL, J.**(Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered vide FIR No.64 dated 15.7.2018 at Police Station Kotwali Nabha, District Patiala under Section 420 of Indian Penal Code, 1860 and Section 13 of Punjab Prevention of Human Smuggling Act, 2012.

The FIR was registered at the instance of Sukhdeep Kaur, wherein it is alleged that she and her family had acquaintance with one Dharm Raj who referred her to the petitioner Gurdarshan Singh Saini while representing that the petitioner was running an immigration agency and could send complainant's son to foreign country. It is alleged that upon demand made by the petitioner an amount to the tune of ₹5.30 lacs had been paid on different dates but the complainant's son was not sent abroad.

The learned counsel for the petitioner has submitted that the investigation has already concluded and challan has been presented and that the petitioner is not required to be detained for any useful purpose. It has further been submitted that since the co-accused Dharm Raj has already been

released on bail, therefore, the petitioner, in any case, deserves the concession of bail on grounds of parity as well.

It is not disputed by learned State counsel that challan has already been presented and that the petitioner has been behind bars since the last about 4 months. It is also not disputed that the co-accused Dharm Raj is already on bail.

Having regard to the facts and circumstances of the case and bearing in mind the fact that the petitioner has been behind bars since the last about 4 months and that the challan already stands presented, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted. The petitioner Gurdarshan Singh Saini is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This petition stands accepted accordingly.

**8.1.2019**

pankaj

**(Gurvinder Singh Gill)**  
**Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No