

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

**CRM-M-50628-2018 (O&M)
Date of decision:07.01.2019**

Karnail Singh

.....Petitioner

Versus

The State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Abhivadya Sood, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

CRM-40981-2018

Today at the very outset, learned counsel for the applicant submits that the application may be dismissed as withdrawn.

In view of the aforesaid submission, the application stands dismissed as withdrawn.

Main Case

The petitioner seeks grant of regular bail in case registered vide FIR No.191 dated 04.10.2015, under Sections 420, 465, 468, 471

and 120-B of Indian Penal Code, 1860, Police Station Division Jalandhar, District Jalandhar.

The FIR was lodged at the instance of Amandeep Singh who has alleged that pursuant to reading of an advertisement that Shiganpati Education Group was into business of getting work permits/Visa for Cyprus, he along with Gursewak Singh and Malkiat Singh went to the office of said Shiganpati Education Group where they met Vijay Kumar along with another man & a woman and who assured them that they will send them abroad and would charge ₹7 lakhs per person. It is alleged that pursuant to the said representation, the aforesaid three persons handed over their passports and also made the payments on different dates total amounting to ₹17,90,000/-. It is alleged that despite the accused having received the said amount, the complainant and other two persons were not sent abroad and nor their money was returned.

Learned counsel for the petitioner has submitted that he is not named in the FIR nor any allegations have been levelled against him and in fact he has been falsely implicated in the present case. Learned counsel for the petitioner has further submitted that in fact an identical FIR pertaining to the same occurrence was lodged by Ranjit Singh, i.e. father of Gursewak Singh i.e. FIR No.83 dated 11.10.2016 under Sections 420 of Indian Penal Code, 1860 and Section 13 of Human Trafficking Prevention Act (Annexure P-2) and wherein the petitioner had already been granted bail. The learned counsel has submitted that lodging of the present FIR virtually amounts to double jeopardy and that in any case the petitioner has been behind bars since 11.09.2018 and he deserves the

concession of bail more particularly when the main accused namely Vijay has already been granted regular bail.

On the other hand, learned State counsel has opposed bail application and submitted that since huge amount is involved in the present case, which is yet to be recovered, no case for grant of bail is made out.

Having considered rival contentions addressed before this Court and bearing in mind the fact that in another identical FIR pertaining to same set of allegations, the petitioner has already been granted bail and also since the main accused Vijay has already been released on bail, in my opinion, the petitioner deserves to be released on bail. Accordingly, the petition is accepted and the petitioner 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.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

This petition stands accepted accordingly.

07.01.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**