

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

**CRM-M-23710-2019
Date of decision: 28.05.2019**

Sarwan Kumar

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R. K. Trikha, Advocate
for the petitioner.

Mr. Rajiv Sharma, Addl. P. P., U.T., Chandigarh.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 74 dated 26.03.2019, registered under Sections 420, 467, 468, 471, 120-B of the IPC and Section 24 of the Immigration Act at Police Station Sector 34, Chandigarh.

Learned counsel for the petitioner submits that as per the allegations in the FIR, which is primarily registered against co-accused Malkiat Kaur @ Neena Sharma, proprietor of M/s Queen Overseas Immigration Legal Services, it is stated that the complainant had given a sum of ₹26.5 Lakh along with some documents to the said agency for sending the complainant to Canada, however, neither co-accused Malkiat Kaur @ Neena Sharma returned the money nor sent the complainant abroad. It is also stated that Malkiat Kaur @ Neena Sharma is a habitual offender and is involved in number of cases.

Learned counsel for the petitioner further submits that the only

allegation against the petitioner is that during investigation, the police has found that in order to provide the medical certificates, co-accused Malkiat Kaur @ Neena Sharma used to get the medical examination of the candidates done from Medino Diagnostic Centre, which is under the proprietorship of the petitioner and it was further found that the doctors employed by the petitioner were not empanelled, therefore, the petitioner was issuing fake certificates.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 05.04.2019 and he is not involved in any other case. It is further submitted that the offences are triable by the Court of a Magistrate and it will take a long time in conclusion of the trial.

Learned counsel, appearing for the U.T., Chandigarh, on instructions from SI Vijay Kumar, has not disputed the factual position about the allegations against the petitioner which have come during the course of investigation.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties and also in view of the fact that petitioner is in judicial custody since 05.04.2019 and the conclusion of trial is likely to take a long time being magisterial trial, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

28.05.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*