

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-29983 of 2019
Date of Decision: 22.07.2019

Sajan and another

....Petitioners

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Piyush Sharma, Advocate
for the petitioners.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No. 85 dated 05.09.2017 registered for offences punishable under Sections 420 and 120-B of Indian Penal Code (for short, "IPC") at Police Station Ferozepur Cantt. District Ferozepur.

Heard.

Notice of motion.

On asking of the court, Mr. Avtar Singh Sandhu, Addl. AG, Punjab., who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per case of complainant-Saroj Bala, she had a talk with one Kashmir Singh for sending her children abroad. The deal was settled for sending her two children abroad on payment of ₹15 lakhs each. On 17.12.2014, she paid ₹30 lakhs to Kashmir Singh and Babbu, who gave her receipt and assured that Visa will be arranged with 3/4 months. Kashmir

Singh is related to complainant as maternal uncle. Later on when she realized that she has been cheated she arranged a *panchayat*, where Kashmir Singh gave her cheque dated 25.10.2016 of ₹30 lakhs drawn on Axis Bank, which on presentation was dishonoured by the bank.

Petitioner no. 1-Sajan is son of Kashmir Singh while Babbu is son of Bhag Singh. As per prosecution, a sum of ₹3 lakhs and ₹5 lakhs were paid to them in this deal. Both the petitioners were arrested in this case on 22.04.2019 and after completion of investigation challan against them has been presented in Court.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioners, namely, Sajan and Mubarak @ Mumarak @ Babbu is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality the petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

July 22, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No