

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

**CRM No.M-32696 of 2019 (O&M)
Date of Decision: November 13, 2019**

Tarsem Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr.Tribhawan Singla, Advocate
for the petitioner.

Ms.Monika Jalota, DAG, Punjab
for the respondent-State.

HARINDER SINGH SIDHU, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.0264 dated 17.07.2019 under Sections 406 and 420 IPC and Section 24 of the Immigration Act, 1983, registered at Police Station Zirakpur, District SAS Nagar.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that the FIR was registered on the statement of one Balkar Singh, who stated that he wanted to send his son

Mandeep Singh abroad. The complainant got in touch with travel agents namely Prem Kumar and Rinku, who asked him to arrange ₹27 lakh and they took away passport and photographs of Mandeep Singh. On 17.07.2019, Prem Kumar called the complainant and informed him that air ticket and VISA is ready and he should visit Lemon Chilli Hotel, Patiala-Zirakpur road on 17.07.2019 along with sum of ₹27 lakh and also told that he (Prem Kumar) is sending Rinku and Tarsem Kumar (petitioner) to the said hotel with air ticket of Mandeep Singh. The complainant went to the Lemon Chilli, Hotel, along with ₹27 lakhs, where he handed over the money to Tarsem Kumar-petitioner and Rinku but they only gave air ticket to the complainant without Visa and passport and both of them quickly ran away with money. Thereafter, the complainant raised hue and cry, upon which, petitioner and Rinku were apprehended. The air ticket was found to be forged and ₹27 lakh was recovered.

The investigation in the case is complete. The challan has already been presented. During the investigation, the petitioner has not been found to be involved in any other similar case. The case is fixed for framing of the charge on 18.11.2019 against three accused including the petitioner.

Without commenting anything on the merits of case and also bearing in mind the fact that petitioner is in custody since 17.07.2019, in my opinion, no useful purpose will be served by detaining him during trial. The petition, as such, is accepted. Petitioner Tarsem Kumar 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.

However, in case, the petitioner indulges in any activitiy akin to

one for which he has been convicted, while on bail, the prosecution agency will be at liberty to seek cancellation of order granting bail to the petitioner.

November 13, 2019
Vgulati

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No