

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

222

CRM-M-41519-2019 O & M)
Date of Decision:01.10.2019

Surjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. G.S. Simble, Advocate for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.99 dated 17.05.2019, under Sections 420, 406, 506 IPC, 1860, and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 (offences under Sections 467, 468, 471 and 120-B IPC added later on) registered at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur. Petitioner is in custody since 25.05.2019.

The prosecution case is that the petitioner and his co-accused namely Suleman @ Sonu @ Baiya, being owner of travel agency namely “Way to Success Tour & Travel”, had taken ₹65,000/- from each of the complainants for sending them Kuwait, but neither they fulfilled the promise by sending them to Kuwait, nor returned the money of the complainants. It was further alleged that their passports were also destroyed.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case. He further contends that the petitioner was working in the above said Travel Agency on monthly salary and had never taken any money from the complainants. The petitioner is in custody since his arrest on 25.05.2019 and the challan has been filed on 16.08.2019, so further custody of the petitioners may not be required.

On the other hand, learned State counsel assisted by ASI Rakesh Kumar has opposed the bail application. However, it is not disputed that the challan stands filed in the present case and the petitioner was mere an employee of the said travel agency.

Considering the above and the fact that the offences are triable by Magistrate, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

01.10.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No