

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

CRM-M-51170-2019

Date of Decision : December 06, 2019

Shivam Kamboj and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. J.S. Bedi, Senior Advocate with
Mr. Satbir Singh Gill, Advocate for the petitioners.

Mr. Jagmohan Ghumman, DAG, Punjab.

Mr. A.P.S. Sandhu, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in FIR No. No.394 dated 14.8.2017 under Sections 420/120-B IPC and Section 13 of the Prevention and Human Smuggling Act, registered at Police Station Civil Line, District Amritsar.

Counsel for the petitioners submits that the allegations against the petitioners, who are father and son, are that they have received some amount from the three complainants on the pretext of sending them abroad. Counsel for the petitioner further submits that during the enquiry it has come that one of the complainant-Gunji Puri had deposited an amount of Rs.8,70,000/- and 8,90,000/- in the amount of the petitioner on 14.10.2014 and 21.10.2014.

Learned senior counsel for the petitioners has further submitted that an amount of Rs.6,72,000/- and Rs.2,89,000/- was deposited back in the account of

Gurdeepika from the account of petitioner-Sampuran Singh and to show his bonafide, he is ready to deposit an amount of Rs.5,00,000/- with the trial Court, subject to the final outcome of the case.

Learned State counsel, on instructions from ASI Jaskaran Singh has not disputed the aforesaid figures regarding payment of Rs.8,70,000/- and 8,90,000/- by the complainant party to petitioners.

Counsel for the complainant has also given the same figure regarding the payment of the amount.

Without commenting anything on the merits of the case; considering the fact that the petitioners are in custody since 24.9.2019 and the offences are triable by the Court of Magistrate, the present petition is allowed and the petitioners are directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned and on deposit of sum of Rs.5,00,000/- with the trial Court with their right to defence and final outcome of the case.

The amount shall remain deposited with the trial Court in the shape of FDR during the pendency of the trial.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

December 06, 2019
satish

Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO