

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 1007 of 2020 (O&M)

Date of Decision: 28.10. 2020

Gurdhir Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Arjunveer Sharma, Advocate
for the petitioner(s).

Ms. Samina Dhir, Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

The petitioner prays for grant of regular bail pending trial in a criminal case arising from FIR No. 180 dated 16.08.2018, registered under Section 406, 420 & 120-B IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, at Police Station City Moga, District Moga.

As per the case of the prosecution, the petitioner along with his wife is running a Travel Agency under the name of “NRI Singh Brothers” at New Gulabi Bagh, Moga. The petitioner while promising to immigrate the first informant to Czechoslovakia has received a sum of ₹39,00,000/-. However, he failed to send the first informant abroad.

Pursuant to the directions issued, the Deputy Superintendent of Police (City), Moga, has filed an affidavit disclosing that the petitioner is a habitual offender and there are as many as 11 cases including the present one pending against him with similar allegations. The details of the various

which is extracted as under:

Sr. No.	Details of the FIR	Police Station	Offences	Status.
01.	68 dated 11.04.2018	City Moga	406, 420, 464, 465, 471 & 120-B IPC	Under trial
02.	100 dated 24.05.2018	City Moga	420 & 120-B IPC	Under trial
03.	137 dated 16.07.2017	City Moga	13 of the Punjab Prevention of Human Smuggling Act, 2012	Under trial
04.	85 dated 04.05.2018	City Moga	406, 420 & 120-B IPC	Under trial
05.	35 dated 01.03.2018	City Moga	420 IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012	Under trial
06.	178 dated 15.08.2018	City Moga	420 & 406 IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012	Under trial
07.	307 dated 23.12.2018	Samrala	420 & 120-B IPC	Under trial
08.	133 dated 11.09.2018	Dasuya	420 & 406 IPC and Section 24 of the Immigration Act	Under trial
09.	257 dated 04.07.2019	City Barnala	420 & 120-B IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012	
10.	132 dated 22.04.2020	City Faridkot	42 & 32-A of the Prison Act.	Under Investigation

Learned counsel for the petitioner contends that the petitioner is in custody since 27.05.2020 and the case is triable by the Judicial Magistrate. He further contends that the police has not collected any material to show that any fake visa was handed over to the first informants.

This Court has considered the submissions, however, finds no substance therein. It is not disputed that the petitioner is not a licensed travel agent. It is also undisputed that he received a sum of ₹ 39,00,000/- from the

first informants. The fact that the petitioner is involved in various cases which have been extracted above, also remain beyond any dispute . Hence, no ground is made out to grant the concession of regular bail to the petitioner and the present petition is dismissed.

(Anil Kshetarpal)
Judge

October 28, 2020

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No