

223

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

CRM-M-1647-2020

Date of decision-13.02.2020

Rajinder Singh Bawa

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. ADS Sukhija, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Gurcharan Dass, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner-Rajinder Singh Bawa has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.340 dated 25.09.2019 registered under Section 420 of Indian Penal Code, 1860 and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 at Police Station Division No.5, Ludhiana. The petitioner is in custody since his arrest on 15.10.2019.

The FIR was registered on the basis of complaint moved by Principal, Sacred Heart Convent, Senior Secondary School, Ludhiana wherein it was alleged that a trip of school students to NASA/USA was planned in the month of May, 2019 and a travel agent-Aman Bawa son of Rajinder Bawa (petitioner) approached them and told that he would arrange

everything including the Visa for the students as well as teachers. They demanded an advance of Rs.2 lacs per student and for total 148 persons, an amount of Rs.3 crores was paid to him in the month of December, 2018/January/February, 2019. But the Visa was rejected by the Embassy due to some technical error made by the agent, who is now not refunding the amount to the complainant. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR, who was indicted subsequently as an accused being related to other accused persons, namely, Aman Bawa and Anju Bawa. He submits that the complainant had made the payment to M/s Leisure Holiday, Ludhiana which is proprietorship concern of Anju Bawa. According to him, the investigation of the case is complete and the charges have been framed, therefore, further custody of the petitioner may not be necessary and prays for bail.

On the contrary, learned State counsel assisted by ASI Malkiat Ram has opposed the prayer, however, it is not disputed that the investigation of the case is complete and the charges have been framed on 04.01.2020.

Learned counsel appearing on behalf of the complainant while opposing the prayer of the petitioner has not disputed the fact that the amount in question was paid in the account of M/s Leisure Holiday, Ludhiana and the alleged contract was also with the said firm being run by Anju Bawa.

Considering the above background, custody of the petitioner,

this Court finds that the further detention of the petitioner may not be necessary as the trial pertains to the offences triable by Magistrate and is likely to consume considerable time to conclude. Resultantly, 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 bonds/surety bonds to the satisfaction of the trial Court concerned.

13.02.2020

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(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No