

231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1697-2020
Date of Decision: 22.01.2020

Harjit Singh

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Lakhwinder Singh Mann, Advocate for the petitioner.

Ms. Jasleen Kaur, AAG, Punjab assisted by
ASI Jagroop Singh.

* * *

VIVEK PURI, J. (ORAL)

Petitioner has prayed for grant of regular bail in case FIR No. 13 dated 19.1.2018, registered under Sections 420, 465, 467, 468, 120-B IPC & U/s 13 of Punjab Prevention of Human Smuggling Act, 2012 at Police Station Sirhind, District Fatehgarh Sahib.

Briefly the FIR has been registered against the petitioner and his co-accused on the basis of statement of Vikas Sood, complainant and others on the allegations that a sum of Rs. 60,00,000/- were demanded by the accused from the complainant on the pretext of sending them abroad. In furtherance of the transaction a sum of Rs. 30,00,000/- was demanded on different dates. A sum of Rs. 2,00,000/- was transferred in the account of Gurinder Singh @ Guri, co-accused through RTGS. Another sum of Rs. 22,50,000/- was paid to the accused on different dates. In total a sum of Rs. 24,50,000/- has been paid by the complainant to the accused. Tickets were also got booked and another sum of Rs. 5,50,000/- was paid by Vikas Sood

when he reached Delhi. However, the accused had not provided any air tickets and when complainants had reached Delhi, accused cleverly switched off his mobile phone to avoid any contact with the complainants.

It has been stated by learned counsel for the petitioner that the arrest of the petitioner was effected on 25.9.2019. His custodial interrogation is over and he has been remanded to judicial custody. Furthermore, the investigation of the case is complete and challan has already been presented in the Court. It has further been stated that there is no specific allegation against the petitioner with regard to having received any amount and even no amount has been transferred in his account. Similarly placed co-accused namely Satnam Singh has been granted bail in terms of the order dated 12.7.2019 passed in CRM-M-17307-2019.

This factual position has not been disputed by learned State counsel but has opposed the grant of bail on the ground that Gurinder Singh @ Guri, co-accused has jumped the bail and has been declared proclaimed offender.

Be that so, merely because the co-accused has jumped the bail, it cannot be construed at this stage that petitioner will also misuse the concession of bail. Significantly, the investigation of the case is complete and challan has already been presented in the Court. There is no document with regard to the transfer of the amount in the account of the petitioner or any receipt issued by him. Co-accused Satnam Singh has already been granted bail.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified.

Therefore, without making 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 concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

22.01.2020

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No