

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-5640 of 2020

Date of Decision: November 18, 2020

Kamal Jeet

...Petitioner

Versus

State of U.T.Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Robin Singh Hooda, Advocate,
for the petitioner.

Mr. Rajiv Vij, Advocate,
for U.T.Chandigarh.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.89 dated 19.06.2019, under Section 420 IPC, 1860 and Section 24 Immigration Act, registered at Police Station, Manimajra, Chandigarh. The petitioner is in custody since his arrest on 03.11.2019.

The above FIR was lodged by complainant Manoj Kumar, who alleged that the accused persons, namely, Kamal Jeet and Ravinder Kumar made a false promise to send him abroad (Canada) and to provide him work permit. The accused received a sum of Rs.8,95,000/- from him in October, 2018. As per the allegations, the accused in all had demanded Rs.13,00,000/-, who agreed to receive initially a sum of Rs.9,00,000/- and the remaining amount was payable after the complainant reaches Canada.

On these broad allegations, the present FIR was registered for the offences of cheating etc.

Learned counsel for the petitioner contends that the investigation of the case is complete and the offence is triable by Magistrate and, therefore, the further custody of the petitioner may not be necessary. He submits that though the charges were framed on 30.01.2020, but the trial is yet to commence. He prays for grant of bail, during the pendency of the trial.

On the other hand, Mr. Rajiv Vij, learned counsel appearing for U.T.Chandigarh has opposed the prayer on the ground that the petitioner is a habitual offender and has committed similar crimes previously. He has relied upon the custody certificate of the petitioner to contend that he is involved in eight other cases. However, it is not disputed by him that no prosecution witness has been examined so far out of the total twenty five witnesses.

After hearing the learned counsel for the parties, this Court finds it to be a fit case for releasing the petitioner on bail as the trial is likely to consume considerable time to conclude in the wake of outbreak of pandemic COVID-19 in the region. The petitioner is presently confined in judicial custody since 03.11.2019 and his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and 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/Duty Magistrate, Chandigarh.

November 18, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

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