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

**CRM-M-9385-2020
Date of Decision: 15.09.2020**

Gurdhir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Arjunveer Sharma, Advocate,
for the petitioner.

Mr. B.S. Sewak, Additional A.G., Punjab.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure by the petitioner, seeking regular bail in case FIR No.178 dated 15.08.2018, under Sections 406/420 of the IPC & Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station City Moga, District Moga.

2. Seen the Additional Affidavit filed on behalf of the State, affirmed by the Deputy Superintendent of Police, Moga. It has been specifically mentioned therein in Para No.3 that the alleged fake visa, hotel booking and air tickets were not produced by the complainant before the Investigating Authority on account of which their genuineness or otherwise could not be verified. Consequently, the challan has been submitted against the petitioner only under Sections 420 and 406 of the IPC.

3. But even in the allegation to the effect that an amount of Rs.3,60,000/- was taken by the petitioner from the complainant on the pretext of sending him abroad, there is no documentary material available to support this contention.

4. In such circumstances, considering the long detention undergone by the petitioner in the present case since 30.05.2019 and without commenting any further on the merits of the present case as a whole as also considering the fact that the trial is likely to take its own substantial time to complete in view of the ongoing COVID-19 Pandemic, the prayer of the petitioner for releasing him on regular bail is allowed and he is ordered to be released on bail, subject to the appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

5. Disposed off.

15.09.2020

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No