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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.8446 of 2020

Date of Decision: 03.03.2020

GURDHIR SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. J.S. Ghumman, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.100 dated 24.05.2018, registered under Sections 420, 120-B IPC at Police Station City Moga-I, District Moga.

Allegations are that the complainant wanted his son to send abroad for which services of the petitioner and his wife were availed. The complainant paid an amount of Rs.2 lakhs in the beginning and thereafter agreed to pay an amount of Rs.11 lakhs on receiving visa and remaining amount of Rs.2 lakhs was to be paid after reaching son of the complainant to the destination i.e. Canada.

Further allegations are that the complainant has

transferred an amount of Rs.6,50,000/- in the account of the petitioner and another sum of Rs.4,50,000/- was paid in cash to the wife of the petitioner. The allegations of cheating have been made. The Visa got issued to the son of the complainant is stated to be forged.

Learned counsel for the petitioner submitted that in fact Visa is not forged. The son of the complainant could not reply to the questions put to him at the Airport and he was not allowed to board the plane.

Learned counsel further submitted that the factum of Visa being forged has not been adverted to in the report under Section 173 Cr.P.C. Wife of the petitioner has also been granted regular bail by this Court vide order dated 05.12.2019 passed in CRM-M No.37371 of 2019. Petitioner is in custody since 17.05.2019.

Learned State counsel on instructions from ASI Gurdev Singh submitted that the petitioner is involved in number of cases of like nature. Petitioner has been granted bail in number of cases except FIR No.178 and FIR No.180 of 2018 both registered under Sections 420/406/120-B IPC and Section 13 of Punjab Prevention of Human Smuggling Act at Police Station Moga. The other cases are of complaint under Section 138 of the Negotiable Instruments Act in which petitioner is appearing on production warrants.

It is not in dispute that the challan has been presented and charges have been framed. Out of 11 prosecution witnesses, 1 witness has been examined so far.

The investigation on the fact whether Visa is forged or otherwise would remain debatable. Wife of the petitioner has been granted regular bail after noticing some incriminating facts. She is also involved in cases of similar nature, but still indulgence was granted by this Court while enlarging her on regular bail.

At this stage, without adverting to the merits of the case and looking to the custody of the petitioner and the offences being triable by the Magistrate, I deem it appropriate to enlarge the petitioner on regular bail, who is in custody since 17.05.2019.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 03, 2020

Atik

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No