

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

Criminal Misc. No. M-12073 of 2020(O&M)
Date of Decision: 15.05.2020

Rajinder Bawa

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rahul Rampal, Advocate,
for the petitioner(s).

Mr. H.S.Sullar, Deputy Advocate General, Punjab

ANIL KSHETARPAL, J.

Present petition has been filed by the petitioner, namely, Rajinder Bawa, under Section 439 Cr.P.C. for grant of regular bail in FIR No. 402, dated 08.11.2019, registered under Sections 420/120-B IPC and Section 24 of Immigration Act, 1983, at Police Station P.S.Division No.5, District Ludhiana.

The gist of the allegations in the FIR are to the effect that Anju Bawa, Aman Bawa and Rajinder Bawa are owners of Leisure Holidays and they are refusing to refund the amount collected even after travel VISA to USA with respect to 148 children stands rejected.

This Court has heard learned counsels for the parties through video conferencing on account of lock-down.

Learned counsel for the petitioner contends that in similar FIR, this Court vide order dated 13.02.2020 had granted concession of regular bail to the petitioner. He further contends that the petitioner is in custody

since 25.11.2019. The petitioner not only resides separately but is also doing his independent business. The petitioner is not connected with the business of Leisure Holidays. He further submits that the main FIR was got registered by the school but the petitioner is not named as an accused. He further submits that even as per the allegations, petitioner has not received any amount. He further submits that the investigation is complete and the police report has been filed.

On the other hand, learned State counsel has opposed the prayer on the ground that after the investigation, challan has been presented and huge amount is involved.

Case is triable by Magistrate. *Prima-facie* there is no material to connect the petitioner with Leisure Holidays.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 25.11.2019 and the trial of the case is likely to take long time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the petition is allowed with the aforesaid directions.

(ANIL KSHETARPL)
JUDGE

May 15, 2020

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Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No