

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-17412 OF 2020 (O&M)
Date of decision : August 10, 2020

Jagpal Singh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sandeep Singh, Advocate, for the petitioner

Mr. Baljinder Virk, DAG Haryana for the State

Mr. Rajesh Malik, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

CRM-19267-2020

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

The application being in compliance of previous orders dated 9.7.2020, the same is allowed. Annexure R-2/1, affidavit of complainant in original is taken on record.

CRM-M-17412-2020

The allegations against petitioner Jagpal Singh in this first bail application under Section 438 Cr.P.C. in case FIR No. 328

dated 5.6.2020, under Sections 406, 420, 120-B IPC and 24 of Immigration Act, Police Station Assandh, District Karnal and Section 370 IPC added later on, had come about from the complaint of Karnail Singh. The complainant alleges that he was unemployed and came in contact with one Surender Agent in order to facilitate his immigration abroad. A demand of Rs 18 lacs was raised by the accused comprising of Surender and present petitioner Jagpal Singh (referred to as Jaipal in the FIR). The complainant alleged that the petitioner took Rs 10 lacs and promised immigration abroad but subsequently instead of sending him to America as promised sent him to Ecuador.

Learned counsel for the petitioner inter-alia contends that the parties have settled their dispute and has placed reliance on affidavit of complainant Karnail Singh submitting that the amount of Rs 7,10,000/- stands paid back.

On behalf of the State, Mr. Baljinder Virk, DAG, Haryana though does not displace the facts and the affidavit arising out of this but has opposed the grant of bail.

On hearing counsel for the two sides and on perusal of the records, it is a dispute over lending of money which as per the claim of the counsel for the petitioner has been returned back to the

complainant regarding which duly sworn affidavit is placed on record. In the light of the same, sending the petitioner behind the bars would be traversing of justice and it is a fit case to grant bail.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. Presently, the petitioner is directed to join investigation within 15 days of the receipt of the copy of order.

The present petition stands disposed of.

August 10, 2020
'tiwana'

(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No