

CRM-M-26547-2020

Date of decision: 28.09.2020

JITENDER SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Anil Mehta, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI, J. (ORAL)

Affidavit of Rajiv Kumar, HPS, Deputy Superintendent of Police,
Karnal on behalf of the respondent has been filed, which is taken on record.

Briefly, the FIR bearing No. 185 dated 30.06.2020, under Sections 370/384/420/406/506 of Indian Penal Code and 24 of Immigration Act, at Police Station Nissing, District Karnal has been registered on the basis of the statement of Gurnam Singh-complainant alleging that at the first instance the petitioner had extracted sum of Rs. 16 lacs for the purpose of sending his son Amrit Singh to America. There are allegations to the effect that the petitioner had also taken a sum of Rs. 3 lacs by way of cheque and Rs. 1 lac in cash for the purpose of donating a car at Gurudwara Sahib and the said amount of Rs.4 lacs was subsequently returned. The amount of Rs. 16 lacs has been alleged to be paid by the complainant by selling his land. The son of the complainant was sent to Addis Ababa, Sao Paulo, Lima instead of United States of America, where he was kept as a hostage. The petitioner has extracted another sum of Rs. 10 lacs from the

complainant back to the country, the present case has been got registered.

Heard and record perused.

On the last date of hearing, on a query, as to whether there was any evidence with regard to sale of land by the complainant or any document indicative of passing of money, the learned State counsel had sought time to file reply/affidavit. However, today it has been conceded that except the transaction with regard to payment of Rs.3 lacs and return of Rs.4 lacs by the petitioner with regard to purchase of a vehicle for Gurudwara Sahib no other transaction in the bank account depicts the payment of any amount. It has been further stated that the amount has been paid in cash only. It has also been conceded by the learned State counsel that there is no document of evident of any sale transaction with regard to sale of any property by the complainant as alleged in the FIR.

It has been stated by the learned counsel for the petitioner that the arrest of the petitioner was effected on 08.07.2020, the investigation of the case is complete and Challan has already been presented in the Court. It has been further stated that the son of the petitioner had returned way back in November, 2019 but the FIR has been lodged after a delay of about 07 months.

On instructions from SI Parveen Kumar, learned State counsel has not assailed the factual aspect but has argued that there are serious allegations levelled against the petitioner.

It may be mentioned here that the petitioner is in custody since 08.07.2020, the investigation of the case is complete, challan has already been presented in the Court and the conclusion of the trial is likely to take some time. Moreover, there is no document or entry in the statement of account indicating the payment of amount to the petitioner by the complainant. The genuineness of version to the effect that the payment has been made in cash is to be looked into

Judicial Magistrate 1st Class and as such no fruitful purpose will be served by keeping the petitioner further behind the bars in the present case.

Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate/trial Court.

28.09.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No