

CRM-M-28652-2020

Date of decision: 28.10.2020

Jagdish @ Jaggi

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Parminder Singh, Advocate
for the petitioner.Mr. B.S. Virk, DAG, Haryana
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The petitioner-Jagdish @ Jaggi has come up in this 1st regular bail application under Section 439 Cr.P.C. in a case bearing FIR No.115 dated 28.05.2020 under Sections 420 & 370 of the Indian Penal Code and Sections 10 & 24 of the Emigration Act registered at Police Station Garhi, District Jind.

The precise allegations are that the complainant was desirous of sending his son abroad and for which came in contact

with the petitioner-Jagdish @ Jaggi who demanded Rs.12 lakh for his legal immigration to foreign country. The son of the complainant was sent but was deported back leading to the registration of the present case.

Learned counsel for the petitioner *inter alia* contends that the petitioner is behind the bars for more than 05 months. It is contended that there was mutual understanding between the two sides of the mode of going to the foreign country and that there is no question of any dishonest, misrepresentation by the petitioner who is only a facilitator and the actual money has been received by the co-accused.

The learned State counsel has strongly opposed the grant of bail on the grounds of heinousness of the offences and seriousness of the allegations.

The petitioner is behind the bars for more than 05 months. It is admitted case of the two sides that it is a plain illegal immigration and it cannot be accepted that the complainant or his son was unaware of the same and thus, apparently appears to be participants. In view of the period of incarceration and the fact that the trial is not likely to be concluded in the near future, no useful purpose will be served by keeping the petitioner behind the bars for more time. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate.

The petition stands disposed off accordingly.

28.10.2020
Neha

(FATEH DEEP SINGH)
JUDGE

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