

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-29003-2020 (O&M)

Date of decision: 25.11.2020

Jagdish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Parminder Singh, Advocate for the petitioner.

Ms. Safia Gupta, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-28758-2020

Allowed as prayed for, having no objection from the learned State counsel. Annexures P-4 to P-7 are taken on record, subject to all just exceptions.

Main case:

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 360 dated 05.06.2020 registered under Sections 406, 420, 370, 384 IPC and Section 24 of the Emigration Act, 1983, at Police Station Sadar, District Karnal.

The precise allegations are that the complainant was desirous to go to USA for which came in contact with the petitioner and co-accused. 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. Allegedly, the petitioner has received only a sum of Rs. 80,000/- out of which the recovery of Rs. 40,000/- has already been effected. Moreover, the petitioner is on better footings than co-accused Gurpreet Singh, who has been granted regular bail by the learned trial Court on 19.08.2020. The petitioner is suffering from live ailment and high sugar.

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

I have heard the learned counsel for the parties.

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 was unaware of the same and thus, apparently he appears to be participant. Co-accused has already been granted regular bail. The trial will take time to conclude, especially due to prevailing

situation of Covid-19. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

25.11.2020

Mangal Singh

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Whether reportable?

Yes/No

Yes/No