

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

CRM-M-30316 OF 2020

DATE OF DECISION : 03.11.2020

Balraj Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. A. P. S. Deol, Senior Advocate with
Mr. Himmat Deol, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

The petitioner is seeking regular bail in case FIR No.255 dated 19.06.2019 under Sections 406/419/420/467/468/370/120-B IPC and Section 24 of the Immigration Act, registered at Police Station Baldev Nagar, District Ambala.

2. As per allegations in the FIR, petitioner along with his co-accused duped the complainant for a sum of Rs.2.30 lacs for sending his son to U.S.A.

3. Learned senior counsel for the petitioner, *inter-alia*, argues that that the petitioner has been falsely implicated in the FIR in question. His role, if at all, was merely confined to sell/issue online air tickets to the complainant's son and he had received money qua the sale of same. He further submits that the petitioner was arrested on the custodial disclosure statement of prime accused Chetan Sabharwal, who was an agent allegedly indulging in illegal

child trafficking, as per allegations made in the FIR. He further submits that on the ground of parity alone, the petitioner is entitled to concession of regular bail as the prime accused Chetan Sabharwal, on whose disclosure statement the petitioner was nominated in the present FIR, after a lapse of one year of registration of FIR, has already been enlarged on bail vide order dated 08.10.2020 passed by this Court in CRM-M-25527 of 2020.

4. Learned senior counsel also relies on order dated 28.09.2020 qua accused Makhan Singh, who has been granted concession of anticipatory bail. He submits that case of the petitioner stands on a better footing, as he had merely issued tickets, whereas co accused Makhan Singh is charged with issuance of fake passport. He further submits that investigation in the case is already over and challan has been presented. The trial is not likely to be commenced or concluded any time soon in view of the current pandemic scenario.

5. On the other hand, learned State counsel opposes the bail plea. He argues that there are serious allegations against the petitioner. He, however, does not controvert that investigation is complete and challan has been presented. There is no headway in trial due to Covid-19 pandemic.

6. Having heard learned senior counsel for the petitioner, as well as learned State counsel, this Court is of the view that no useful purpose would be served by keeping the petitioner further in preventive custody since investigation is already over and challan has been filed. The petitioner is stated to be in custody since 25.07.2020. The trial is not likely to commence or conclude any time soon on account of current pandemic conditions. The Courts are working in restricted manner and only bail matters and urgent matters are being taken up.

7. In the premise, the instant petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Illaqa Magistrate/Duty Magistrate.

NOVEMBER 03, 2020
shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No