

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

CRM-M-30541-2020 (O&M)

Date of decision: 25.11.2020

Jagdish Kumar

...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-28729-2020

Allowed as prayed for, having no objection from the learned State counsel. Annexures P-3 to P-5 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. 102 dated 05.06.2020 registered under Sections 406, 420, 370 IPC and Section 24 of the Emigration Act, 1983, at Police Station Siwan, District Kaithal.

The precise allegations are that the complainant was desirous of sending his son, namely, Jiwan Ram to USA for which came in contact with the petitioner-Jagdish Kumar who demanded Rs. 35 lakh for his legal immigration to foreign country. The son of the complainant was sent but was

deported back to India in the month of June-2020 leading to the registration of the present case.

Learned counsel for the petitioner inter alia contends that the petitioner has been behind the bars since 05.08.2020. 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. 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 has been behind the bars since 05.08.2020. 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 they appear to be participants. 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