

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

CRM-M-41797-2020(O&M)

Date of decision : 16.12.2020

Satpal

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sandeep Kumar, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.142 of 2020 dated 28.05.2020 under Sections 406 and 420 of the Indian Penal Code, 1860 and Section 24 of the Emigration Act, 1983 (Sections 370 and 384 IPC were added later on) registered at Police Station Butana, District Karnal.

The present FIR was registered on the complaint of one Aman Kumar who has stated that the petitioner, Satpal, had taken a sum of ₹18 Lacs for sending the complainant abroad. His flight was scheduled for 11.04.2019 from Delhi. Outside Delhi Airport, the relatives of Satpal had given him a flight ticket and \$5000. The flight reached Equador. At Equador the brother of the petitioner, namely, Sham had taken the dollars and the passport. Thereafter, they reached Colombia and

from Colombia they walked through jungles of Panama for five days. They reached Honduras country and from there they reached Mexico via Nicaragua and then from there they were sent to a camp for 15 days where they were arrested by the USA Border Police and they were lodged in jail for one year. The complainant returned to India thereafter.

Learned counsel for the petitioner would contend that the anticipatory bail petition of the petitioner was dismissed as withdrawn vide order dated 24.06.2020 passed in CRM-M No.16308 of 2020. Thereafter, the regular bail petition filed by the petitioner was dismissed as withdrawn vide order dated 07.10.2020 in CRM-M No.36878 of 2020.

He would further contend that now the petitioner is willing to deposit an amount of ₹10 Lacs to show his *bona fides*. He would further contend that the petitioner would make an endeavour to pay back the money that he owes to the complainant.

Learned counsel for the State, on instructions from SI Rohtash Singh, has stated that there are a total of 16 FIRs pending against the petitioner on similar allegations. She would further contend that the present case is one of human trafficking. Though the petitioner has been admitted to the bail in other cases, however, the petitioner does not deserve the concession of bail due to the fact that the petitioner is a habitual offender and has been sending innocent people abroad and thereafter the said people who are sent abroad have been languishing in jail.

I have heard learned counsel for the parties.

In the present case, the only question involved is not regarding the complainant having been duped of ₹18 Lacs but also the allegations are very serious in nature where the complainant is alleged to have been sent abroad and he travelled from country to country before he was finally arrested by the Border Police in USA where he stayed confined in jail for over a period of one year. The complainant was only able to return to India this year and on his reaching India the present FIR was lodged. There are 16 other cases pending against the petitioner on similar allegations and in all the said FIRs Sections 24 and 25 of the Emigration Act have also been attracted.

Keeping in view the fact that the petitioner is a habitual offender and also the fact that in the present case the allegations are of human trafficking and the fact that the complainant is alleged to have spent over a year in jail in a foreign country, I do not deem this to be a fit case for grant of regular bail to the petitioner. Hence, the present petition is dismissed.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

(ALKA SARIN)
JUDGE

16.12.2020
Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO