

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****221****CRM-M-2664-2021 (O&M)**
Date of Decision: 25.01.2021

Sital Singh @ Sheetal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILLPresent: Mr. Mandeep Kaushik, Advocate,
for the petitioner.Mr. H.S.Multani, AAG, Punjab,
assisted by ASI Baljeet Singh.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.071 dated 22.05.2019, at Police Station Phase-11, District SAS Nagar (Mohali) under Sections 406, 420, 120-B IPC (offence under Section 24 of the Immigration Act added later on).
2. The FIR in question was lodged at the instance of Rajinder Pal, wherein it has been alleged that he noticed a classified advertisement in Rojana Ajit newspaper as per which a girl, who had done B.Sc. (Nursing), was in need of a boy, who could bear expenditure for study in Australia was advertised. The complainant and his son being taken in by the said advertisement contacted the

person telephonically and a girl answered the telephone telling them to come to their office i.e. M/s Stewart Placement Services. The complainant alongwith his son met Sukhpreet Kaur in the said office, who further introduced them to Neha Sharma @ Puja, who disclosed that a girl, who had done B.Sc. (Nursing), but was poor, was looking for a boy who could sponsor her to Australia. A meeting was arranged amongst the complainant and the said girl and her parents. The owner of M/s Stewart Placement Services, namely, Shital Singh also represented that the said girl could take the complainant's son to Australia and accordingly it was decided that a marriage between the complainant's son and said girl would be solemnized. It is alleged that on the said pretext initially an amount of Rs.60,000/- was deposited on the asking of Shital Singh on 14.02.2019 for preparing the documents. Subsequently, an amount of Rs.8,72,000/- was deposited in account No.918020000230388 towards University Fee. Another amount of Rs.34,500/- is also stated to have been transferred in the said account. However, subsequently, the aforesaid Shital Singh, Navjot Kaur, who was claiming to be his wife and Shital Singh's partner Neha Sharma @ Puja switched off their phones and did not take the calls of the complainant and the complainant realized that he had been defrauded.

3. Learned counsel for the petitioner has submitted that he was merely working as an employee of M/s Stewart Placement Services, which is in fact owned by Narinder Kumar, as would be evident from the license issued to said Narinder Kumar (Annexure

P-2). Learned counsel has further submitted that the amounts in question, which were deposited by the complainant, were deposited in an account under the name 'M/s Child Abroad Education', which is being managed and operated by Balbir Kalia and the petitioner has nothing to do with operation of the said account and that as such, he cannot be said to be beneficiary in any manner.

4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and it was upon his inducement that huge amounts had been paid by the complainant, no case for grant of bail is made out. Learned State counsel has further submitted that the petitioner is a habitual offender and is involved in 9 other cases of identical nature and as such, he has disintitiled himself for grant of regular bail. Learned State counsel has, however, informed that challan already stands presented and that as on date the petitioner has been behind bars since the last about 5 months and 17 days and that the trial is yet to commence, wherein 31 PWs have been cited.
5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case and while noticing that the petitioner has been behind bars since the last more than 5 months and that the conclusion of trial is likely to consume substantial time since none of the cited 31 PWs has been examined till date, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail

bonds/surety bonds to the satisfaction of learned trial Court/Chief
Judicial Magistrate/Duty Magistrate concerned.

25.01.2021
Vimal

(GURVINDER SINGH GILL)
JUDGE

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