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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(Through video conferencing)

CRM-M No.4906 of 2021(O&M)
Date of Decision: 29.09.2021

Baljinder Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. B.S. Sidhu, Sr. Advocate with
Mr. S.S. Badal, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439
Cr.P.C in case bearing FIR No.94 dated 12.05.2018 registered
under Sections 406, 420 IPC and Section 24 of the Immigration
Act at Police Station Mattaur, District SAS Nagar, Mohali.

The FIR was registered at the instance of complainant

Barjinder Singh with the allegations that he wanted to go Canada on work permit. For that purpose, he met the petitioner. An agreement was executed. The complainant deposited an amount of Rs.3,20,540/- on 04.03.2017. In addition, he also paid an amount of Rs.9300/- as embassy fee. In total, he paid an amount of Rs.3,29,540/- to the petitioner, but he did not receive any visa and his work permit did not mature. Petitioner did not refund the money.

Learned Senior Counsel for the petitioner submits that petitioner is in custody since 20.02.2019 (though his custody has been shown w.e.f. 23.03.2019). The offence is triable by the Magistrate. Challan has already been presented, but charges have not been framed so far. The trial of the case in any case would take sufficient time to conclude.

Learned State counsel, however, opposed the bail on the ground that the petitioner is involved in 68 cases of similar nature.

With reference to the plea of learned State counsel, learned Senior Counsel for the petitioner submits that he has been involved in 68 cases. Out of those cases, he has been granted bail by different Courts including the High Court in 62 cases. In one case, he has been acquitted. One case has gone untraced in which report has been filed. Besides, the present

case, one more case is fixed for 30.09.2021 and one case is yet to be filed by the petitioner in the High Court. Details of some of the cases are tabulated as under:-

Case No.	FIR No.	Date	Under Sections/ Police Station	Date of Order by the High Court
CRM-M-3173-2021	36	19.02.2018	406, 420, 120-B IPC, Police Station Mataur, Mohali	28.01.2021
CRM-M-4224-2021	144	06.07.2018	406, 420 IPC, Police Station Mataur, Mohali	25.02.2021
CRM-M-16011-2021	150	19.07.2018	406, 420 IPC and 24 of Immigration Act, Police Station Mataur, Mohali	20.04.2021
CRM-M-20867-2021	22	09.02.2018	406, 420, 120-B IPC, Police Station Mataur, Mohali	28.05.2021
CRM-M-20040-2021	233	01.12.2018	406, 420 IPC and 24 of Immigration Act, Police Station Mataur, Mohali	25.05.2021
CRM-M-20052-2021	18	07.02.2019	420 IPC and 24 of Immigration Act, Police Station Mataur, Mohali	16.06.2021

CRM-M-26750-2021	34	16.02.2018	406, 420 IPC, Police Station Mataur, Mohali	19.07.2021
CRM-M-4219-2021	32	13.02.2018	406, 420, 120-B IPC, Police Station Mataur, Mohali	23.09.2021
CRM-M-21372-2021	18	08.02.2018	406, 420, 120-B IPC, Police Station Mataur, Mohali	05.08.2021
CRM-M-4907-2021	21	09.02.2018	406, 420 IPC, Police Station Mataur, Mohali	08.09.2021
CRM-M-29886-2021	17	07.02.2018	406, 420, 120-B IPC, Police Station Mataur, Mohali	15.09.2021

In all the aforesaid cases, petitioner has been granted regular bail by the High Court after considering the period of custody and other attending circumstances. The factum of total number of cases has also been noticed in some of the cases.

Taking into consideration the aforesaid facts, stage of the trial and in view of long custody of the petitioner, I deem it appropriate to grant regular bail to the petitioner without meaning anything on merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial

Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

September 29, 2021

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No