

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.7180 of 2021
Date of Decision: October 28, 2021

Randeep Kumar

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.J.S.Jaidka, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

None for the complainant.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.370 dated 31.12.2020, under Section 420 IPC, 1860 and Section 24 Immigration Act, 1983, registered at Police Station, Division No.5, District Ludhiana, who is in custody since his arrest on 04.01.2021.

The contents of the FIR, as noticed by the Additional Sessions Judge, Ludhiana in his order dated 01.02.2021, are as under:-

“Briefly stated, the present case has been registered against the applicant-accused on the application moved by complainant Manjit Lal to the Commissioner of Police, Ludhiana, alleging therein that he is resident of Malerkotla and accused Randeep Kumar and his wife came into contact with complainant through his near relative Renu Bala, who is

residing near the village of sister-in-law of the complainant at Phillaur. Accused assured to send the son and daughter-in-law of the complainant namely Mohit Kumar Bains and Ritu Kaur to Singapore on work permit and took an advance of Rs.2,00,000/- on 18.07.2019. Randeep Kumar has also given an affidavit in this regard in which all the terms and conditions for sending the son of the complainant and his daughter-in-law to Singapore were written. The copy of the affidavit has been annexed with the complaint. The complainant further stated that after one month, accused and his wife gave them job offer letter and took another sum of Rs.1,00,000/- on 01.10.2019 on account of getting the medical insurance. After about another month, the accused further took Rs.3,00,000/- from the complainant on account of getting the Work Permit issued. But, when the children of complainant reached at Singapore, the officials at airport told them that the Work Permit is fake. Thus, Randeep Kumar and his wife Money have cheated the complainant for Rs.6,00,000/- on the pretext of sending his children abroad. The complainant prayed for taking an action. On the application, inquiry was conducted and present FIR was registered against the applicant-accused”

Learned counsel for the petitioner has argued that though the final report was filed on 23.02.2021 whereupon the charges were framed on 18.03.2021, but till date no prosecution witness has been examined. He has submitted that the petitioner is not involved in any other case and as the trial is likely to consume considerable time to conclude, therefore, the petitioner be released on regular bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Judge Singh, however, it is not disputed by him that no prosecution witness has been examined so far. He has produced the custody certificate of the petitioner by way of affidavit of Satnam Singh,

PPS, Additional Superintendent, Central Jail, Ludhiana, which indicates that the petitioner is not involved in any other case.

After hearing the learned counsel for the parties and considering the above background, this court finds that the trial is yet to commence and as the petitioner is not involved in any other case, therefore, considering his period of custody, this court does not find any reason to decline the prayer, particularly when the prosecution witnesses are the complainant and the police officials and there is no possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Ludhiana.

October 28, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No