

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

**CRM No.M-16060 of 2021 (O&M)
Date of Decision: September 20, 2021**

Baljeet Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Karandeep S. Sidhu, Advocate
for the petitioner.

Mr.Sandeep Vermani, Addl. Advocate General, Punjab
for the respondent-State.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the
light of COVID-19 pandemic.

The petitioner has filed this second petition under Section 439
Cr.P.C. for seeking regular bail in case FIR No.87 dated 01.06.2028 under
Section 420 IPC, Police Station City Kotkapura, District Faridkot.

Heard on the bail petition.

The aforesaid FIR was registered at the instance of Veerinder
Singh. As per version of the prosecution, the complainant as well as his
various other companions were interested to go abroad and on this account,
they had approached travel agent Baljeet Singh, son of Inderjit Singh
through the good offices of one Harjit Singh, who runs immigration office

at Kotkapura. Baljeet Singh had received various amounts to the extent of Rs.33,20,000/- from the complainant as well as various other persons namely Kewal Singh, Jaswinder Singh, Gurkaranjit Singh and Gurpartap Singh, in lieu of sending them abroad. Out of the amount, so settled for the said purpose, Rs.13,70,000/- was transferred by Harjit Singh in the bank account of Baljit Singh, via bank transactions between 15.09.2016 and 26.07.2017 and the balance amount was paid, when Baljeet Singh and his wife visited Harjit Singh at his office M/s Immigration Helping Hand, Kotkapura. However, the manner of sending the complainant and others abroad, was not honoured by Baljeet Singh. Even though, he had promised for job permit for a period of 2½ years but only 6 months' Visa was obtained for the complainant. Even, for some of the persons, who had parted with their money, Visa was not obtained. In this manner, it is the version of the prosecution that Baljeet Singh had duped complainant side of the amount of Rs.33,20,000/-, on the pretext of sending them abroad.

Now, it is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in the present case. He had no role to play in the entire occurrence. Also, it is submitted that petitioner is in custody since 17.09.2020. Even, complainant Veerinder Singh, who has stepped into witness box as PW-1, has not stated himself to have given money to the petitioner. In fact, his piecemeal statement was recorded on 08.09.2021 and same was deferred as the prosecution intended to move application under Section 319 Cr.P.C. As such, learned counsel for the petitioner submits that in the given circumstances, conclusion of the trial is likely to take time, more particularly, when Harjit Singh who is also stated to have committed cheating with the complainant, is residing abroad. As

such, a prayer has been made by learned counsel for the petitioner for grant of bail to the petitioner.

On the other hand, learned State counsel has refuted claim for grant of bail. He submits that offence is of serious nature. Huge amount has been parted by the complainant side. The petitioner, even though, had entered into panchayati compromise and had undertaken to pay the amount in installments but however, he has failed to honour the same. As such, a prayer has been for dismissal of the petition.

May it be so, that the petitioner has not made payment of the amount, agreed by him, in a panchayati compromise, but however, it is pertinent to mention that complainant Veerinder Singh, at whose instance, the proceedings were initiated, has stepped into witness box as PW-1 and therein, he had stated about Harjit Singh to have taken Rs.11,50,000/- in cash from them and he had transferred the said amount, in the account of Baljeet Singh. It was Baljeet Singh, who had handed over Visa to him. However, in the last line of his examination-in-chief, he has specifically stated that Harjit Singh, Ravinder Singh and Baljeet Singh committed cheating with him and his brother.

Perusal of the copy of challan, which has been annexed with the bail petition, reveals that it has only been presented against present petitioner Baljit Singh. The copy of the statement of Veerinder Singh, got recorded during the course of trial, reveals that further examination-in-chief was deferred, as learned APP had stated that he wants to move an application under Section 319 Cr.P.C. Now, it has been brought to the notice of the Court that Harjit Singh, one of the proposed accused is residing abroad. As such, it is evident that conclusion of the trial shall take

considerable time and the petitioner, who is in custody since 17.09.2020, cannot be detained, indefinitely.

Considering all the facts and circumstances, at this stage, without any expression on merits of the case, this Court deem it appropriate to grant regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

(ARCHANA PURI)
JUDGE

September 20, 2021
Vgulati

Whether speaking/reasoned	Yes
Whether reportable	No