

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

211

**CRM-M-16913-2021
Date of decision: 30.06.2021**

Hardev Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

Mr. Sumit Dua, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.191 dated 19.12.2020 registered under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Nurmehal, District Jalandhar.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State and the complainant. However, no reply has been filed by the respondent-State and the complainant.

Custody certificate has been filed by the learned State Counsel through e-mail print out of which is taken on record.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner, who is a Halwai by profession, has been falsely implicated in the case. Neither the petitioner received any amount from the complainant nor he ever allured the complainant to send her son abroad. The alleged deal for sending her son abroad was settled by the complainant with co-accused Gurmej Singh to whom the amount of Rs.5 lakhs was allegedly paid through Laddi. Amount of Rs.10 lakhs was also allegedly paid to co-accused Parwinder @ Prabh and Gurdeep @ Deepa. No role was played by the petitioner in the entire transaction. The petitioner has been implicated due to being father of co-accused Parwinder @ Prabh. The trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel and learned Counsel for the complainant have submitted that the petitioner along with his co-accused cheated the complainant of an amount of Rs.15 lakhs on false assurance of sending her son abroad. During investigation the petitioner had also assured refund of the amount but committed default. In view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature

of accusation and evidence against the petitioner, role attributed to him and also the fact that the amount in question was paid to co-accused Gurmej Singh and Parwinder @ Prabh and was not received by the petitioner coupled with the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.06.2021

(ARUN KUMAR TYAGI)
JUDGE

Vinay

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