

CRM-M-18526-2021

Date of decision: 20.05.2021

Sarvjot Singh @ Sahab Singh

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Parminder Singh, Advocate
for the petitioner.Mr. Tarun Walia, AAG, Haryana
for the respondent-State.Mr. Bhupinder Singh, Advocate
for the complainant.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The allegations against the petitioner/accused-Sarvjot Singh @ Sahab Singh in this first regular bail application under Section 439 Cr.P.C. filed in a case bearing FIR No.785 dated 18.10.2020 under Sections 406, 420, 384, 370 of the Indian Penal Code and Section 24 of the Immigration Act, 1983 registered at Police Station Sadar Karnal, have come about by complainant-Gurnam Singh.

The brief allegations are that the complainant was desirous of sending his son to Australia and in the year 2015, after he received compensation amount for his physical disablement had met the accused who promised to send his son to Australia and in the process fleeced a sum of Rs.9 lakh, out of which, the petitioner received Rs.5 ½ lakh. Thereafter, it is alleged that the son of the complainant was taken first to Bangkok and, thereafter, by road to Cambodia, where, he got hauled up and after representing Indian Embassy in Cambodia, were sent back to India in March 2017.

Learned counsel for the petitioner *inter alia* contends that petitioner is behind the bars since 23.12.2020 and that the present FIR has been lodged after so many years and has sought to raise his plea on the fact that his co-accused has been allowed bail by the Court.

The learned State counsel assisted by counsel for the complainant has strongly opposed the bail on the grounds that the bail to the co-accused was granted on account of compromise and the petitioner was instrumental in this fraud.

Without advertng on to the merits, the petitioner is behind the bars for almost 05 months. Culpability, if any, would be determined at the trial. Keeping in view the raging pandemic of COVID-19 and in order to decongest the jails this Court deems it expedient to allow the present petition as the trial is not likely to be concluded in the near future. Any observations made herein shall

not effect the merits of the present case.

Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate.

The petition stands disposed off accordingly.

20.05.2021
Neha

(FATEH DEEP SINGH)
JUDGE

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