

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-21994-2021  
Decided on: 20.07.2021

**Sukhmanpreet Singh**

**.... Petitioner**

**Versus**

**State of Punjab**

**..... Respondent**

**CORAM: HON'BLE MR. JUSTICE H.S. MADAAN**

(The case has been taken up through Video Conferencing.)

Present: Mr. Umesh Aggarwal, Advocate,  
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

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**H.S. MADAAN, J (ORAL)**

Reply by way of affidavit of Deputy Superintendent of Police, Sub-Division Jandiala, Amritsar (Rural) as well as custody certificate by way of affidavit of Deputy Superintendent, Central Jail, Amritsar, have been filed through e-mail, are taken on record.

This petition for regular bail has been filed by the petitioner Sukhmanpreet Singh, an accused in FIR No.162 dated 08.10.2020, for offences under Sections 420 and 420-B of IPC and Section 13 of Punjab Travel Professional (Regulations) Act, 2014, registered at Police Station Tarsika, Amritsar Rural.

Briefly stated facts of the case as per prosecution story are that complainant Kulwinder Kaur had given Rs.6 lacs to travel agent Harmandeep Singh @ Romi through the present petitioner Sukhmanpreet Singh, the latter being friend of maternal uncle of Prabhjit Singh for the purpose of sending the son of the complainant namely Prabhjit Singh to Canada. However, neither Prabhjit Singh was

sent to Canada nor the amount was returned. On receipt of the complaint, the enquiry was conducted and thereafter formal FIR was lodged. The petitioner was arrested in this case on 23.02.2021. On completion of investigation, challan has been filed in the Court on 26.04.2021 which is pending in the Court and is now at the stage of framing of charge. Two other co-accused of the present petitioner are yet to be arrested. This information has been supplied by learned State counsel, on instructions from SI Manjit Singh.

Petitioner Sukhmanpreet Singh had approached the Court of Sessions, Amritsar seeking regular bail. His such application was assigned to Additional Sessions Judge, Amritsar, who vide order dated 19.03.2021 dismissed the bail application of the petitioner, as such, the petitioner approached this Court asking for similar relief. His request is being opposed by the State counsel.

I have heard learned counsel for the petitioner as well as learned State counsel besides going through the record.

Learned counsel for the petitioner has stated that the petitioner is innocent and has not committed any offence. The only role attributed to him in the FIR, is of introducing main accused Harmandeep Singh @ Romi. The petitioner is behind bars for about 5 months. He does not having any past criminal record. Therefore, he be granted concession of regular bail. Though learned State counsel has opposed the request but in terms of the custody certificate placed on record, the petitioner is in custody for about 4 months and 23 days. He is not shown to be involved in any other criminal case.

As per the reply filed on behalf of the State, it is mentioned that the present petitioner had been given Rs.1 lac by the main accused.

Considering the facts and circumstances of the case, particularly, keeping in view the initial stage of proceedings against the petitioner in the trial

Court, I find that petitioner deserves the concession of bail and is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Amritsar subject to the following conditions : -

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one otherwise to furnish affidavit in that regard.
- (iv) he shall deposit Rs.1 lac in the form of demand draft in the name of the complainant with the investigating officer who shall hand over the said demand draft to the complainant against receipt which be made part of the investigation file.

It is observed that if ultimately, on completion of trial, the petitioner is acquitted, then the complainant would be liable to return the said amount to the petitioner and an undertaking in that regard be obtained from the complainant by the investigating officer, which be also made part of record.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the order shall be liable to be withdrawn.

**(H.S. MADAAN )**  
**JUDGE**

**20.07.2021**  
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No