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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.27858 of 2021 (O&M)

Date of decision: 19.07.2021

Titu Chand

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Barjinder Singh, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.79 dated 24.05.2019, for offence punishable under Sections 406, 420 of the Indian Penal Code, 1860 (in short 'IPC'), 13 of the Punjab Travel Professionals Act, 2014 and 24 of the Immigration Act, registered at Police Station City Nawanshahr, District S.B.S. Nagar.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of the complainant – Satnam Singh, it is stated that he has given Rs.1,08,333/- to the petitioner for sending him to Jordan for procuring a job, however, neither VISA was granted nor money was returned to him. It is further submitted that in fact it was a money dispute between the parties and to show his bona fide, the petitioner, without prejudice to his right of defence, is ready to deposit Rs.1,08,333/- with the Illaqa Magistrate/trial Court within a period of 01 month from today subject

CASE HEARD THROUGH VIDEO CONFERENCING

to the condition that the same may be kept in an FDRs.

Counsel for the State has not disputed the factual position but opposed the prayer for bail. It is further submitted that the allegations against the petitioner are that he has taken Rs.1,08,333/- for sending the complainant abroad, however, the amount has not been returned.

Without commenting anything on merits of the case, considering the fact that the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation and also in view of the volunteered statement made by the petitioner to deposit the amount of Rs.1,08,333/-, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

The aforesaid amount of Rs.1,08,333/- will be deposited with the trial Court/Illaqa Magistrate on or before 19.08.2021.

It is further directed that the petitioner will deposit the amount of Rs.1,08,333/- with the Illaqa Magistrate/trial Court, which will be kept in the FDRs, subject to final outcome of the case, without prejudice to his right of defence.

It is made clear that if the amount is not deposited, it will be open for the prosecution to apply for cancellation of bail of the petitioner.

(ARVIND SINGH SANGWAN)

JUDGE

19.07.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No