

S.No.233

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

CRM-M-32801 of 2020 (O&M)

Date of Decision:18.03.2021

Jasvir Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:- Mr. Parvinder Singh, Advocate for the petitioner.

Mr. S.S. Deol, DAG, Punjab.

DEEPAK SIBAL, J.(Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C for the grant of regular bail in FIR No.0036 dated 04.04.2019 registered under Section 420 IPC, Section 13 of Punjab Prevention of Human Smuggling Act 2012 and Section 24 of Emigration Act, 1983 at Police Station Rahon, District SBS Nagar.

Briefly stated, the case of the prosecution is that the petitioner along with his co-accused induced the complainant to deliver to him an amount of Rs.8,50,000/- on the pretext of sending him to the United States of America (for short, 'USA'). However, after having taken the said amount, the complainant was neither sent to USA nor his money was returned. Rather, the petitioner issued a cheque to the complainant for an amount of Rs.4,50,000/- which on presentation was dishonored.

Learned counsel for the petitioner contends that the petitioner

has been falsely implicated in this case; the dispute between the petitioner and the complainant is of civil nature and the story with regard to sending of the complainant to USA is absolutely false; for the dishonor of his cheque the petitioner is already facing proceedings under Section 138 of the Negotiable Instruments Act, 1881; he is in custody since 29.02.2020 and that since in the petitioner's trial no prosecution witness has been examined, the same is likely to take a long time to conclude.

Learned State Counsel opposes the grant of bail to the petitioner on the ground that five other criminal cases are pending against him and if he is released on bail, he is likely to indulge in similar offences.

Whether the dispute between the parties is of civil nature, would be debated and decided in the petitioner's trial. However, the petitioner is in custody since 29.02.2020; the report under Section 173 Cr.P.C has already been filed and therefore, the petitioner is not in a position to influence the investigation and the petitioner's trial in which till date no prosecution witness has been examined is likely to take a long time to conclude.

In the other five cases which he faces, the petitioner has already been granted regular bail by this Court and such orders have been passed inspite of pendency of other criminal cases against him.

Keeping in view the totality of the above facts, the present case is considered to be fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, SBS Nagar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

March 18, 2021	(DEEPAK SIBAL)
renu	JUDGE
Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No