

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

CRM-M-34114 of 2020 (O&M)

Decided on:- February 05, 2021.

Jagdish.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Nikhil Chopra, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-28874-2020

The documents Annexures P-4 to P-7 are taken on record, subject to all just exceptions.

CRM stands disposed of.

CRM-728-2021

Documents (Annexures P-8 to P-12) are taken on record, subject to all just exceptions.

CRM stands disposed of.

CRM-M-34114-2021

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.101 dated 05.06.2020 under Sections 406, 420 and 370 IPC as well as Section 24 of the Immigration Act, 1983 registered at Police Station Cheeka, District Kaithal.

The aforesaid FIR was registered against the petitioner at the behest of complainant Sukhpreet Singh on the allegations that the petitioner assured him to send to America for a consideration of Rs.38 lakh. An amount of Rs.20 lakh was given to the petitioner and on 05.06.2019, the complainant boarded from Delhi. However, the complainant landed at Ecuador. The petitioner snatched his passport, gave him beating and demanded Rs.10 lakh or else threatened him that he would get the complainant killed. On this, Rs.10 lakh were paid by the complainant to the petitioner and the complainant had to pass through the jungle area and he entered into America in an illegal manner. The complainant was apprehended by the police there and he remained in jail for six months. It is alleged that the petitioner dishonestly induced the complainant to part with lakhs of rupees on the pretext of sending him to America.

Learned counsel for the petitioner has argued that apart from the fact that the petitioner is in custody since 05.08.2020, he has falsely been implicated in the case. It is in the background of civil litigation between the parties, the petitioner has been involved in the case. Suraj Bhan, who is uncle of the complainant, has filed a civil suit along with one Ramdiya against the petitioner for possession by way of specific performance titled as ***Ramdiya and another Versus Jagdish Kumar***, which is pending consideration before

the civil Court. Even otherwise, the matter is triable by Magistrate and in view of the long custody, the petitioner deserves to be admitted on bail.

Learned State counsel, on instructions from SI Ram Kumar, has not disputed the custody of the petitioner. However, she has submitted that there are other complaints of similar nature against the petitioner and the cases have been registered against him, though he is on bail in those cases.

I have heard learned counsel for the parties.

The petitioner has been in custody since 05.08.2020. Considering the long custody and the fact that the offence is triable by Magistrate, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as any expression of opinion on the merits of the case. The trial Court shall decide the case without being influenced with these observations in any manner.

February 05, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No