

CRM-M-40068 of 2020

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

**CRM-M-40068 of 2020
Date of decision:23.03.2021**

Kamaljeet @ Kamlu

... Petitioner

Vs.

State of Haryana

... Respondent

CRM-M-2758 of 2020

Punjab Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sandeep Gahlawat, Advocate
for the petitioner in both cases.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Vishwajeet Singh, Advocate
for the complainant in both cases.

SUVIR SEHGAL, J. (Oral)

This order shall dispose of two petitions i.e., CRM-M-40068 of 2020 and CRM-M-2758 of 2020.

The petitioners are seeking regular bail in case FIR No.326 dated 26.06.2020 registered for offence under Section 420 of Indian Penal Code, 1860, however, Sections 406, 370, 384, 34, 195-A, 506 IPC and

Sections, 10, 24 of Immigration Act and Section 12 of Passport Act, were added later on (but Section 12 of Passport Act has been deleted in the challan), at Police Station Sadar Thanesar, Kurukshetra.

As per the version of the prosecution, FIR has been registered on the complaint of Mukesh Kumar Mehla on the allegation that Punjab Singh and Kamal (petitioners) duped him on the pretext of sending him to USA. They introduced him to co-accused Sandeep, who arranged his travel tickets and stay. When the complainant could not reach the destination and was arrested by the Immigration Officers in Mexico, he contacted the petitioners, who demanded more money which was paid to them by the father of the petitioner.

Counsel for the petitioners has submitted that the petitioners have been falsely framed in the FIR as no role has been attributed to them. The main accused is Sandeep Kharab, who has been granted the benefit of anticipatory bail by this Court, vide order dated 23.07.2020 passed in CRM-M-20112 of 2020 titled as 'Sandeep Kharab Vs. State of Haryana' (Annexure P-3). He submits that in any case, all the three accused in their disclosure statements have stated that a sum of Rs.14.00 lakhs was taken from the complainant, out of which Rs.12.00 lakhs was paid to Sandeep and the balance amount was retained by both the petitioners. In order to show them bonafides, counsel for the petitioners submits that the petitioners are willing to make payment of Rs.1.00 lakh each to the complainant while pleading that they are not guilty of the alleged offence and charge. Still further, he submits that the investigation is complete, challan has been filed

and the charge has been framed for commission of offence punishable under Sections 120-B, 420 and 370(2) IPC and Section 24(b) of Immigration Act, by the trial Court vide order dated 01.02.2021 and the petitioners are no longer required for custodial interrogation. Counsel submits that the petitioners, who have been in custody for the last more than six months, deserve to be enlarged on bail.

Per contra, State counsel upon instruction ASI Jagminder Singh has opposed the petition. He is assisted by Mr. Vishwajeet Singh, Advocate appearing on behalf of the complainant. State counsel submits that the petitioners are the main culprits and master mind, who introduced the complainant to the co-accused, Sandeep Khrab. He submits that there is another FIR pending against the accused-Punjab Singh. It has been submitted that though the examination-in-chief of the complainant has been conducted, but his cross-examination stands deferred, therefore, petitioners do not deserve to be released at this stage.

To counter the submissions of the State counsel, counsel for the petitioners has submitted that the petitioner-Punjab Singh is on bail, vide order dated 14.12.2020 (Annexure P-10) in the second FIR lodged against him.

I have considered the rival submissions of the parties.

Keeping in view the period of incarceration of the petitioners, nature of allegations, the gravity of offence, the fact that the trail is likely to take time to conclude, no purpose would be served by keeping the petitioners behind bars any further.

Without commenting anything on the merits of the case, the petitions are allowed and the petitioners, namely, Kamaljeet @ Kamlu and Punjab Singh, are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to the condition that each of the petitioners shall give a bank draft of Rs.1 lakh to the complainant drawn in his name.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

March 23, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No