

CRM-M-41407-2020

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-41407-2020

Date of decision : 02.09.2021

AMARJEET

.....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Harpal Preet Singh Chopra, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of this Code of Criminal Procedure (in short Cr.P.C') in FIR No. 0429 dated 18.09.2019, for offences punishable under Section 406, 420 and Section 370 (added later on) of the Indian Penal Code (in short 'IPC'), registered at Police Station Sadar Thanesar, District Kurukshetra.

Learned counsel for the petitioner submit as per the allegations, registered at the instance of the complainant Baljeet Singh, accused No.1 Anil Kumar and accused No.2 Sultan Singh were dealing in sending the persons abroad. It is further submitted that since the complainant wanted to send his son abroad, he came in contact with them and on 01.01.2019, complainant along with Lal Singh visited the house of accused No.1 and 2

and a deal was struck for ₹ 22,00,000/- (twenty two lakhs only). On 03.01.2019, the complainant and Lal Singh along with his sons' Sachin and Vikram had gone to their residence and handed over a sum of ₹2,00,000/- (two lakhs only) to accused No.1 thereafter, sons of the complainant and Lal Singh were sent to Thailand.

On 06.02.2019, again a sum of ₹ 19,00,000/- (nineteen lakhs only) and ₹ 24,00,000/- (twenty four lakhs only) were hand over to accused No.1 and accused No.2 but they failed to send them to Canada and even refused the amount.

Learned counsel for the petitioner further submit that co-accused Sultan, who is accused No.1, has already been granted anticipatory bail by this Court, vide order dated 08.11.2019 passed in CRM-M-44733-2019.

Learned counsel for the petitioner further submits that the investigation is complete; the offences are triable by the Court of Magistrate, and the conclusion of the trial is likely to take long time and since the petitioner is in custody for the last about 11 months, this petition may be allowed and the petitioner may be directed to be released on bail.

However, learned counsel for the State, on the basis of the affidavit of the Investigating Officer could not dispute the factual position but opposed the prayer for bail on the ground that there are serious allegations against the petitioner. It is stated that as per the disclosure statement of the petitioner, who is referred to as accused No.3, he received ₹1,00,000/- (rupees one lakh only) and has not returned back the amount.

After hearing the learned counsel for the parties and

considering the fact that the petitioner is in long custody; the offences are triable by the Magistrate; the trial has not started and therefore it will take some long time, 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.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

02.09.2021

tarun sahani

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No