

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.4632 of 2022
Date of Decision: February 17, 2022

Beant Singh Gill

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.P.K.S.Phoolka, Advocate,
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.42 dated 03.07.2021, under Sections 420, 120-B IPC, 1860 and Section 13 Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station, Talwandi Bhai, District Ferozepur, who is in custody since his arrest on 19.07.2021.

The above FIR was registered on the complaint of Pavitar Singh, wherein it was stated that in the month of February, 2018 when his wife Maninder Kaur was taking coaching of IELTS at Meridian Institute Faridkot, she met Harpreet Kaur wife of Beant Singh Gill, who showed her office of KOIC Kuber Overseas Immigration Consultancy. Harpreet Kaur along with her husband Beant Singh visited the house of the complainant at village Sulhani and told that they would get the PR Visa of Canada for Maninder Kaur and her husband and total expenses shall be Rs.14,82,000/-.

The complainant and his family believed their words and on 24.03.2018, they gave their passports, 10th and 12th certificates, IELTS result card and Rs.2,00,000/- cash for Canada visa in the presence of Rajinder Pal Singh Lambardar and Lakhwinder Singh to Harpreet Kaur. In the first week of June, 2018, Beant Singh called Bhupinder Singh (father of the complainant) on his phone and demanded remaining amount and on 11.06.2018, both the accused came to their house and gave them one printed document and said that their application is being filed and demanded Rs.1,12,000/- as expenses of the application, which was given in the presence of Rajinder Pal Singh and Gurmej Singh. In the month of October, 2018, Beant Singh again demanded remaining amount and then on 27.11.2018, a sum of Rs.2,05,000/- was deposited by Bhupinder Singh in the account of Beant Singh. Again on 28.11.2018, the complainant had also paid a sum of Rs.5,95,000/- through cheque No.100861 of Axis Bank Talwandi Bhai and a total amount of Rs.11,12,000/- was paid to the accused, but thereafter, the accused stopped attending their phone calls. The father and uncle of the complainant went to the office of the accused at Faridkot, who said that they have applied for the visa and whenever it is issued, they will inform them. On 05.03.2019, Bhupinder Singh died and thereafter his uncle met Beant Singh, who said that wait for 2-4 months. In November, 2020, uncle of the complainant Lakhvir Singh went to the house of Beant Singh, where he said that he will inform you himself regarding the Visa. In January, 2021 when Lakhvir Singh called Beant Singh on phone, then he threatened that if you will call again, then I shall commit suicide and shall hold you liable. Harpreet Kaur and Beant Singh in connivance with each other committed fraud with the complainant by taking Rs.11,12,000/-. On these broad

allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that as per allegations, complainant had parted away a sum of Rs.11,12,000/- and paid to the accused persons on their promise to arrange PR Visa for Canada and further to facilitate the complainant's and his wife's migration to Canada. He submits that the investigation of the case is complete as final report has been filed, therefore, the petitioner be released on regular bail.

On the other hand, learned State counsel, assisted by ASI Dilbag Singh, does not dispute this fact that the investigation of the case is complete, but he has opposed the prayer on the ground that the petitioner is involved in four more cases of similar nature. He has produced custody certificate of the petitioner by way of affidavit of Rajiv Kumar Arora, PPS, Additional Superintendent, Central Prison, Faridkot.

At this stage, learned counsel for the petitioner has invited the attention of the court to the orders dated 13.01.2022 (Annexure P-5 and 06.01.2022 (Annexure P-6), whereby the petitioner has been released on regular bail in other cases and according to him, except for the present case, the petitioner is on bail in rest of the cases.

After hearing the learned counsel for the parties, considering the above background, custody of the petitioner and the fact that the offences are triable by Magistrate and conclusion of trial would take considerable time to conclude, this court finds that the further detention of the petitioner behind the bars may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail

bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate,
Ferozepur.

February 17, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No