

216

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

**CRM-M-10698-2022 (O&M).
Decided on: March 17, 2022.**

Sukhvir Singh @ Sukha

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.A.S.Barnala, Advocate,
for the petitioner.**

Mr.Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.25 dated 13.5.2028, under Section 420 IPC, registered at Police Station Sehna, District Barnala.

The learned counsel for the petitioner has submitted that the petitioner is in custody since 13.1.2022 and the investigation of the case is already complete although challan has not been presented qua the petitioner. He submitted that even as per the allegations contained in the FIR, four complainants had given an amount of Rs.17,50,000/- to the petitioner and

other co-accused who is the brother of the petitioner and that too by way of cash for the purpose of sending the complainant abroad. He submitted that the allegations are vague and false on the face of it as there is no transaction shown in any of the accounts either of the petitioner or his brother and neither the petitioner nor his brother is involved in any activity of Immigration Consultancy and even the petitioner was not in India when the FIR was registered and the petitioner was already in Canada and it was only because of an old dispute between the parties that present frivolous FIR was lodged against the petitioner. He further submitted that petitioner is not involved in any other case and has clean antecedents and the case is triable by Magistrate and therefore, petitioner may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody since 13.1.2022 and the investigation of the case is already complete and the challan is likely to be presented within this week. He has submitted that it is also correct that petitioner is not involved in any other case and has clean antecedents and the case is triable by Magistrate

I have heard the learned counsel for the parties.

The petitioner is in custody since 13.1.2022 and investigation of the case is already complete and the allegations against the petitioner and co-accused are that they had taken an amount of Rs.17,50,000/- by way of cash. It is yet to be ascertained during trial of the case as to whether the petitioner has taken any amount or not because there is no transaction with regard to the same as per the learned counsel for the parties. The case is triable by Magistrate and may take long time. The petitioner is not involved in any other case and has clean antecedents.

Therefore, considering the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner. Accordingly, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

March 17, 2022.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No