

CRM-13560-2022 in/and
CRM-M-12416-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-13560-2022 in/and
CRM-M-12416-2022 (O&M)
Date of Decision:20.04.2022

Paramjit Singh Rahal

.. Applicant/Petitioner

Vs.

State of U.T. Chandigarh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Kumar, Advocate for applicant-petitioner.

Mr. Sumit Jain, Addl. P.P. U.T. Chandigarh.

...

Manoj Bajaj, J. (Oral)

CRM-13560-2022

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Sumit Jain, Addl. P.P. U.T. Chandigarh accepts notice on behalf of the respondent-U.T. Chandigarh and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-13562-2022

Application is allowed subject to all just exceptions. Annexure P-8 is taken on record.

CRM-M-12416-2022 (O&M)

Petitioner has prayed for grant of regular bail under Section 439

Cr.P.C, pending trial in case FIR No.0041 dated 24.02.2022 registered

under Sections 420 and 120-B IPC and Section 24 Emigration Act, 1983 at Police Station Sector-17 (Central Sector), Chandigarh. The petitioner is in custody since his arrest on 24.02.2022.

The FIR in question was lodged at the instance of Shalinder, wherein it is alleged that in June 2016, he had met Paramjit Singh (petitioner) and Monika Rahal, Proprietors of 'M/s Rahal Travels Immigration Consultants' at Sector-17-D, Chandigarh, who had held out a representation that they could secure 'Canadian Immigration' and 'Canadian P.R.' under Trade Certification Certificate Category. The complainant being allured by the said representation, agreed for the same and he was asked to pay an amount of Rs.10 lacs, which he accordingly paid. It is alleged that, however, his case for permanent resident (P.R.) under 'Trade Certification Certificate Category' was declined and later he realized that the accused had furnished bogus and fake documents and incorrect information on his behalf and, as such, had cheated him of huge amount.

Learned counsel has argued that as per allegations in the FIR, the complainant suffered a loss of Rs.10 lacs, as the petitioner failed to keep his promise in order to facilitate his visit abroad and retained the amount. He has further argued that the FIR has been lodged after a long delay in order to falsely implicate the petitioner, as previously the complainant had approached the District Consumer Redressal Forum seeking refund of Rs.5,80,000/- and the said complaint is still pending for adjudication. He submits that the complainant has adopted conflicting stands in both these complaints and as the investigation of the case is over, the further custody of the petitioner may not be necessary. He has further submits that the co-

been extended the concession of pre arrest bail by this Court vide order dated 16.03.2022 passed in CRM-M-11174-2022. He prays for bail.

The prayer is vehemently opposed by the learned counsel for U.T. Chandigarh assisted by ASI Balkar Singh, who has argued that the petitioner was having dishonest intentions since beginning and had no authority to indulge into the business of sending persons abroad. However, it is not disputed that the stand of the complainant is at variance in both these complaints and the investigation of the case is almost complete, as the final report is likely to be filed in near future.

After considering the background of the case as well as custody of the petitioner, this Court finds that the offences are triable by Magistrate and as the investigation of the case is almost complete, therefore, the further detention of the petitioner would not serve any useful purpose, as conclusion of trial may take considerable time.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

20.04.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No