

214

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

**CRM-M-27379-2022 (O&M)
Date of Decision: 05.07.2022**

Lakhveer Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. J.S. Thakur, Advocate,
for the applicant/petitioner.

Mr. Naveen S. Panwar, D.A.G., Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

CRM-22214-2022

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions.

CRM-M-27379-2022

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.4 dated 05.01.2021, under Sections 420, 406 & 201 of the IPC and Section 24 of the Immigration Act, 1983, registered at Police Station Ambala City, District Ambala.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 27.07.2021, which is almost one year. He

further submitted that the investigation of the case has been completed and challan has also been submitted, although no witness has been examined as of now. He also submitted that the petitioner was falsely implicated in the present case and even as per the prosecution, the allegation was pertaining to taking of Rs.6,45,000/- from the complainant on the pretext of sending him abroad. He further submitted that the aforesaid money was paid in the account of the another co-accused, namely, Parvinder Kaur, who was running an illegal business of immigration and so far as the present petitioner is concerned, he was rather a victim of the aforesaid co-accused and the petitioner has rather lodged an FIR against the aforesaid co-accused. He further submitted that there is no evidence against the petitioner and in view of the aforesaid situation, no useful purpose will be served in case the petitioner is further kept in detention.

On the other hand, Mr. Naveen S. Panwar, learned Deputy Advocate General, Haryana, has submitted that it is correct that the petitioner is in custody since 27.07.2021 and investigation of the case has been completed and challan has been presented before the competent Court. He has however submitted that there had been a recovery of passport of the complainant from the petitioner in the present case. He further submitted that the petitioner is also involved in another case under Sections 406, 420 & 120-B of the IPC, and therefore, he has opposed the grant of regular bail to the petitioner.

I have heard the learned counsel for the parties.

As per the allegations contained in the FIR, the complainant had given Rs.6,45,000/- to the accused persons, who had promised him to

send him abroad. However, as per the learned counsel for the petitioner, the said amount was paid in the account of another co-accused, namely, Parvinder Kaur and he himself was the victim of the aforesaid co-accused. The investigation of the case has already been completed and challan has also been presented as per the learned counsel for the parties. The petitioner is in custody for about one year. So far as the pendency of the other case against the petitioner which is under Sections 406, 420 and 120-B of the IPC, the same cannot become a bar for considering the present bail petition. Apart from the same, it is not the case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

05.07.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |