

CRM-M-28147-2022

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

**CRM-23869-2022 in/and
CRM-M-28147-2022 (O & M)
Date of decision:18.07.2022**

Raminder Singh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sanjeev Majra, Advocate,
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

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This is an application under Section 482 Cr.P.C. for an early hearing of the main petition i.e. CRM-M-28147-2022, which is fixed for hearing on 05.09.2022.

Notice in the application to the respondent-State.

On the asking of this Court, Mr. Ashok Singh Chaudhary, Addl. A.G. Haryana, accepts notice on behalf of the respondent-State, and submits that he has no objection, if the present application is allowed.

In view of the above, the present application is allowed and the date of hearing of the main petition is preponed from 05.09.2022 to that of today and the same is taken on the Board for hearing.

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This is an application under Section 482 Cr.P.C. for the

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addition of Sections 406, 467, 468, 471 and 506 IPC, which have been added later on by the prosecution.

Notice in the application.

On the asking of this Court, Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana, accepts notice on behalf of the respondent-State, and submits that he has no objection, if the present application is allowed.

In view of the above, the present application is allowed. Registry is directed to incorporate Sections 406, 467, 468, 471 and 506 IPC in the prayer clause of the main petition.

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Through this petition, the petitioner seeks regular bail in case bearing FIR No.60 dated 17.01.2020, registered at Police Station Thanesar City, District Kurukshetra, under Sections 406, 420, 467, 468, 471 and 506 IPC and Section 10 of the Immigration Act, 1983.

Learned counsel for the petitioner contends that the main allegations are against co-accused, namely, Ravinder and Vishal; that there are no specific allegations against the petitioner; that the petitioner and his wife have been indicted in the present case on the disclosure statement of the co-accused, and that the petitioner has falsely been implicated in the present case. The petitioner has been in custody for the last more than 01 year.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner alongwith the co-accused had cheated the complainant to the tune of Rs.15,50,000/- and that the petitioner is a habitual offender and there are as many as nine other

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FIRs of similar nature, registered or pending against him.

I have heard the learned counsel for the parties.

As per the case of the prosecution, the petitioner alongwith co-accused had induced the complainant to pay a sum of Rs.15,50,000/- for obtaining the study visa for Australia, but a fake visa had been handed over to him.

Indisputably, the petitioner has been indicted in the present case on the basis of the disclosure statement of the co-accused, but the fact remains that he has as many as nine other FIRs registered or pending against him, showing his tendency of committing repeated crime(s) of similar nature. The travel agents charge hefty amount and the gullible youth fall victims to such travel agents, who promise them greener pastures abroad. The criminal antecedents of the habitual offender(s) like the petitioner, which shatter the very tranquility of the collective, do not entitle him to be enlarged on bail.

It is not denied for a moment that the period of custody is a relevant factor, but simultaneously the totality of the circumstances as well as the conduct and the criminal antecedents of the accused are also to be weighed. Keeping in view the criminal antecedents of the petitioner, the period of custody of about 01 year, in my considered opinion, melts into insignificance. Still further, having had his complicity in the repeated offence of illegal immigration/human trafficking, the petitioner cannot seek the concession of regular bail, which of course, if granted would pave a way to him to involve himself in another similar offence.

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Therefore, finding no merit in the present petition, the same is dismissed.

18.07.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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