

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

CRM-M-33196-2021 (O&M)

Date of decision: 13.01.2022

Beant Singh Gill

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Bhupender Beniwal, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.12 dated 13.01.2021, registered at Police Station City Faridkot, District Faridkot, under Section 420 IPC.

Status report by way of affidavit dated 28.10.2021 of the Deputy Superintendent of Police, Sub-Division, Faridkot, District Faridkot, already filed in the Registry, is taken on record.

Learned counsel for the petitioner submits that the petitioner is having a valid license issued by the District Magistrate, Faridkot, in the name of KOIC (Immigration and IELTS Centre), valid upto 27.12.2023. The

petitioner is not disputing the amount received from the complainant for the purpose of Immigration of his family members. After receiving the documents and consultancy fee, the petitioner filed an application for Visa of the family members of the complainant before the Canadian Embassy but the same could not be taken upon due to Covid-19 Pandemic and the same is still pending before the Embassy. Charges have been framed and complainant and one Ranjit Singh have been examined by the trial Court. The petitioner has been in custody since 19.04.2021. As far as other cases are concerned, the petitioner is on bail in three cases and one stands cancelled.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner is a habitual offender and involved in other cases of similar nature. All the transactions between the petitioner and the complainant were through Bank. At the time of receiving the amount and documents from the complainant, the petitioner was not having a valid license. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 19.04.2021. Though the investigating agency has drawn a conclusion that at the time of receiving the amount and documents from the complainant, the petitioner was not having a valid license, yet the petitioner is having a licence valid upto 27.12.2023 in the name of KOIC (Immigration and IELTS Centre). The petitioner has moved an application for Visa of the family members of the complainant before the Canadian Embassy, but the same could not be taken upon due to

Covid-19 Pandemic and the same is still pending before the Embassy. The conclusion of the trial would taken a long time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

13.01.2022
Mangal Singh

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