

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

(i)

CRM-M-30408-2022

Amandeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

(ii)

CRM-M-32955-2022

Sukhpreet Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

Date of Decision : 25.08.2022

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Shubham Mehta, Advocate
for the petitioner in CRM-M-30408-2022.

Mr. Harpreet Singh Maan, Advocate
for the petitioner in CRM-M-32955-2022.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. L.M.Gulati, Advocate
for the complainant.

JASGURPREET SINGH PURI, J(ORAL)

Both the aforesaid petitions, filed by petitioners Amandeep Singh and Sukhpreet Kaur, under Section 439 Cr.P.C., for the grant of regular bail in case bearing FIR No.23 dated 12.01.2022, under Section 420 IPC and Section 13 of Punjab Travel Professional (Regulation Act), 2014, registered at Police Station B-Division Amritsar, District Amritsar are taken up together since both the petitioners are accused in the same FIR apart from the fact that both the petitioners are husband and wife and, therefore, for the sake of brevity, both the petitions are taken up together

with the consent of learned counsel for the parties.

Learned counsel appearing on behalf of petitioner in CRM-M-30408-2022 has submitted that petitioner Amandeep Singh is in custody from 27.05.2022 and learned counsel appearing on behalf of petitioner in CRM-M-32955-2022 has submitted that petitioner Sukhpreet Kaur is in custody since 30.05.2022. Both the learned counsels for the petitioners have submitted that the petitioners have been falsely implicated in the present case and infact perusal of the FIR would show that a civil dispute, if any, has been given a criminal flavour by lodging a false and frivolous FIR. Learned counsel for petitioner Amandeep Singh submitted that as per the allegations, the complainant was earlier known to the petitioner and they had taken an amount of Rs.50,00,000/- for the purpose of getting him immigrated to Australia or Canada and for that purpose an amount of Rs.50,00,000/- was taken but in cash and there is no money transaction by way of bank transfer. He submitted that be that as it may, the investigation of the case has already been completed and challan has been presented before the competent Court on 25.07.2022. He further submitted that the trial of the case may take long time and petitioner Amandeep Singh may be considered for the grant of regular bail. He submitted that petitioner Amandeep Singh is suffering from blood cancer and he is in the 3rd stage and has also referred to the certificate (Annexure P-3) issued by the Doctor in the department of Oncology, Fortis Hospital, Chandigarh Road, Ludhiana in this regard.

Learned counsel for the petitioner in CRM-M-32955-2022 has submitted that petitioner Sukhpreet Kaur is a lady of the age of 33 years and the investigation of the case is complete, therefore, she may also be considered for the grant of regular bail.

Both the learned counsels for the petitioners referred to police report

which is a part of the FIR (Annexure P-1) and referred to the inquiry report made by

the Joint Commissioner of Police, Amritsar City wherein he came to the conclusion that there was nothing found against the petitioners and despite the fact that Joint Commissioner of Police returned the findings in favour of the petitioners still the challan was presented before the Court.

Learned State counsel has submitted that it is correct that petitioners Amandeep Singh and Sukhpreet Kaur are in custody from 27.05.2022 and 30.05.2022 respectively and the investigation of the case has been completed and the challan has been presented.

Learned counsel appearing on behalf of the complainant has submitted that the petitioners have cheated the complainant and taken Rs.50,00,000/- on the pretext of sending them abroad and therefore, opposed the grant of bail to the petitioners.

I have heard the learned counsel for the parties.

The investigation of the case has been completed and challan has already been presented before the competent Court. The allegations in the FIR are pertaining to taking of Rs.50,00,000 in cash. As per learned counsel for the parties, there is no bank transaction between the parties for transfer of money. Apart from the same two more facts require consideration. Firstly, petitioner Amandeep Singh is suffering from third stage cancer and, therefore, on this ground alone, the petitioner deserves the concession of regular bail and, secondly, so far as petitioner Sukhpreet Kaur is concerned, she is a lady of the age of 33 years and the Joint Commissioner of Police also observed that there is no evidence found against the petitioners. Apart from the same, it is not the case of the State that in case the petitioners are released on bail then they may influence the witnesses or may abscond from justice.

is of the view that both the petitioners deserve the concession of regular bail.

Consequently, the present petition is allowed. The petitioners are ordered to be released on bail on furnishing of bail bonds/surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Trial Court/Duty Magistrate.

However, anything observed herein above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

25.08.2022
mamta

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No