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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-39165-2022 in/and
CRM-M-38173-2022 (O&M)
Date of Decision: 21.10.2022

Anil Kumar

.. Applicant/Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Pankaj Bali, Advocate for applicant-petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

CRM-39165-2022

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. Sukhdeep Parmar, DAG, Haryana, accepts notice on behalf of the respondent-State and does not oppose the prayer.

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

Main case

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.389 dated 04.07.2020 registered under Sections 406, 420, 506, 384, 467, 468 and 471 IPC, 1860 and Section 24 Immigration Act at Police Station Assandh, Karnal. The petitioner is in custody since his arrest on 26.02.2021.

The FIR was registered on the statement of Sumer Chand and the allegations as noticed by the Id. Addl. Sessions Judge, Karnal in the order dated 08.06.2022 are as under:

“Complainant made these allegations that applicant-accused Anil and co-accused Karandeep dishonestly allured his son/victim Arun Kumar to send him abroad on a working visa for Australia. Accused demanded sum of 15,00,000/-. Co-accused Karandeep came at the house of the complainant and had taken away passport etc. of the victim and he again visited the house of the complainant on 20.08.2019 and had taken away ₹40,000/- on the pretext that he had to show credit balance in the account of victim. After few days, both the accused Karandeep and Anil again came at the house of complainant and demanded balance amount. Complainant father arranged sum of ₹12,00,000/- from his relatives and had given said money in cash to co-accused Karandeep and applicantaccused Anil in the presence of relatives of the complainant

Thereafter, applicant-accused Anil and co-accused Karandeep had shown e-Ticket ID No.92853411751 dated 22.09.2019 to the complainant father and his victim son. Applicant-accused Anil had taken victim Arun Kumar with him to Bangkok by making victim under the impression that he would be sent from Bangkok to Sydney. Victim was not sent to Australia. Applicant-accused Anil demanded a sum of ₹ 3,00,000/- more. When on 23.09.2019 victim was present in the Boarding Line at Bangkok Airport, there he was questioned by Australian Embassy and on checking it was found that citizenship of victim was shown of Japan. Victim pleaded that he was Indian. But Authorities did not permit victim to board flight for Sydney. Victim started searching for applicant-accused Anil Kumar, who was contacted on WhatsApp and he had taken away victim to a Hotel. Victim was kept there from 23.09.2019 to 04.10.2019. Applicant-accused Anil talked on phone with co-accused Karan and asked him to talk to the father of victim to pay ₹1 lac more. Victim requested applicant-accused Anil not to demand more money. But he did not hear the victim. Father of victim arranged ₹50,000/- and had given said money to the brother of applicant-accused Anil at village Jundla. But on 14.10.2019 victim and applicant-accused Anil came back to India. Thereafter, co-accused Karan again started alluring victim Arun to go to Indonesia and from there his visa for Australia could be arranged. Victim on 25.10.2019 had gone to Indonesia and stayed there for ten days but could not get visa and again came back to India. As per statement under Section 161 Cr.P.C. of victim Arun Kumar, he further stated a fact that on 08.05.2021 a sum of ₹ 95,000/- was deposited by co-accused Karan in the account of Shish

Pal, relative of the victim.”

Learned counsel for the petitioner has argued that the offences are triable by Magistrate and his co-accused have already been released on regular bail. According to him, the investigation is complete and the charges have been framed on 06.12.2021, therefore, the petitioner also deserves the similar concession. He prays for bail.

Learned State counsel assisted by SI Kitab Singh, has opposed the prayer, however, it is not disputed that the co-accused of the petitioner have been released on bail. He, on instructions states that the charges have been framed on 06.12.2021, but no prosecution witness has been examined so far out of total fourteen prosecution witnesses.

After hearing the learned counsel for the parties, considering the fact that the co-accused of the petitioner have already been released on regular bail and also the fact that the offences are triable by Magistrate, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose. Further, the prosecution is yet to examine its witnesses and it may take considerable time to conclude the trial.

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

The petition is allowed.

21.10.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No