

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

CRM-M-40945-2022

Date of Decision: September 13, 2022

MAJOR SINGH

....Petitioner

VERSUS

UNION TERRITORY CHANDIGARH

....Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Ashish Pal Kaushal, Advocate
for the petitioner.

Mr. Akashdeep Singh, Addl. P.P., U.T., Chd.

AMAN CHAUDHARY, J.(ORAL)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in respect of FIR No.66 dated 25.04.2022 under Sections 406, 420, 120-B IPC and 24 of Immigration Act, registered at Police Station East Sector 31, Chandigarh.

Brief facts of the case are that the petitioner has given money to Director-Universal Travel Centre, who gave him assurance that he will be provided a job of crane operator in Tanzania. The petitioner got allured and paid Rs.5000/- as medical expenses and further paid Rs.85,000/- as visa expenses to Universal Travel Centre.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR. He states that the petitioner has been implicated in this case based on a disclosure statement of the co-accused Tejinder Singh. It is further contended that he is not a beneficiary of any transaction as has been alleged in the FIR also. Amount was transferred in the account of co-accused Tejinder Singh. He submits that he was merely an

employee of the company and had nothing to do with the allegations against the Tejinder. He further submits that he has been in custody from 12.05.2022.

Learned counsel appearing on behalf of U.T., submits that the petitioner was named in the FIR as he impersonated as Anil Kulkarni. He submits that 27 passports have been recovered, out of which 12 have been recovered from the petitioner. He further submits that though the challan has been filed, however, the charges are yet to be framed and there are 17 prosecution witnesses. He further submits that the petitioner's permanent address is not known as he has been changing his permanent address.

In rebuttal, learned counsel for the petitioner submits that in case of grant of bail he is ready to furnish heavy local surety and also the permanent address, and also surrender his passport.

Heard counsel for the parties.

Keeping in view the facts and circumstances of the case that the amount is alleged to have been transferred in the account of Tejinder Singh and petitioner has been nominated in the disclosure statement made by the said co-accused, being an employee of the company. Also the fact that the petitioner is in custody since 12.05.2022 and the charges are yet to be framed and there are as many as 17 witnesses, the trial will take some time to conclude, his further detention behind the bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail bonds and a heavy local surety to the satisfaction of trial Court/Duty Magistrate

concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurise/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse his liberty.
7. Any infraction shall entail in withdrawal of the benefit granted by this Court.
8. The petitioner will surrender his passport and will not leave the country without prior permission of the Court.

This Court makes it clear that the observations made herein above are limited for the purposes of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

13.09.2022
Sangeeta

(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No