

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

204

CRM-M-43440-2022

Date of Decision: 29.11.2022

Jasbir Singh and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Puneet Kakkar, Advocate
for the petitioners.

Ms. Dimple Jain, AAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 439 of Code of Criminal Code, 1973, the petitioner is seeking bail in FIR No.269 dated 13.05.2022 registered at Police Station City Karnal under Sections 370, 406, 420, 506/34 of IPC and Section 24 of Immigration Act.

Learned counsel for the petitioners submits that petitioners are in custody for last more than 1 year and 5 months and as per allegations in the FIR, the complainant has paid a sum of Rs.1.80 Lakhs to the petitioners for sending his son out of country. From the perusal of FIR, it is quite evident that the petitioners have taken away son of complainant to various countries, thus, there is no question of retaining a sum of Rs.1.80 Lakhs. The petitioners have spent more than Rs.1.80 Lakhs upon the son of the complainant. The petitioners have already been extended concession of bail in all other cases, except one more FIR.

Reply by way of affidavit dated 27.11.2022 of Deputy Superintendent of Police, City Karnal filed by learned State counsel is taken on record.

Learned State counsel submits that petitioners are involved in 6 other cases, which are identical in nature. The petitioners have cheated many persons so they do not deserve any leniency.

From the perusal of FIR and arguments of both sides, it appears that petitioners are in custody for last 1 year and 5 months and amount involved is Rs.1.80 Lakhs. The petitioners have handed over a cheque bearing No.348025 dated 28.01.2020 for an amount of Rs.2 Lakhs to the complainant and he is at liberty to present the said cheque and in case it is dishonoured, he may take appropriate steps, as permissible by law.

The offence is triable by Magistrate, challan has already been presented, charges have also been framed and petitioners are in custody for last 1 year and 5 months. On the basis of pendency of other cases, they cannot be kept in custody for indefinite period. In view of long queue of pending cases, it is not possible that trial would conclude shortly.

In view of these facts and circumstances, this court is of the opinion that petitioners deserve to be released on bail.

Accordingly, the petition is allowed and the petitioners are directed to be released on bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

If the petitioners or their family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

29.11.2022

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(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>