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

CRM-M No.48573 of 2021 (O&M)

Date of decision: 26.04.2022

Gursewak Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. F.S. Virk, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.47 dated 11.03.2020, for offence punishable under Sections 420, 120-B of the Indian Penal Code, 1860 (in short 'IPC') and 13 of the Punjab Smuggling Act, 2012, registered at Police Station Anaj Mandi, Patiala, District Patiala.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of one Rakesh Kumar, Munish Kumar, Palwinder Singh and Avninder Singh, it is stated that they were unemployed and wanted to go abroad and the petitioner was having an office of travel agency and he assured to send them abroad on work permit and in that process, the victims have paid huge amount to him. Later on, the victims were taken to Georgia where they were arrested and later on, deported back to India. It is further alleged in the

FIR that since the petitioner promised to send them to USA, however, neither they were sent to USA nor the amount was returned. It is further submitted that the petitioner is in custody for the last 01 year, 02 months and 24 days and he is not involved in any other case of similar nature. Lastly, it is submitted that charges have been framed, however, out of 20 PWs, none has been examined, so far.

Counsel for the State, on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involved in one more case i.e. FIR No.82 dated 04.05.2015 registered under Sections 324, 323, 201, 341, 506, 182, 148, 149 IPC at Police Station Sadar Patiala, District Patiala.

Counsel for the State on the basis of the affidavit of ASI Ram Karan, Police Station Anaj Mandi, Patiala, filed in the Court today, argued that the petitioner has sent the victims to Georgia where their money as well as passports were taken and after some time, they were deported back and therefore, the petitioner has cheated them.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year, 02 months and 24 days; the petitioner is not involved in any other case of similar nature; out of 20 PWs, none has been examined; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

26.04.2022

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No