

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

CRM-M-53102-2021 (O&M)
Date of decision: 17.01.2022

Makhan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vishal Munjal, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 130 dated 27.11.2020, registered under Section 420 IPC, Section 13 of the Punjab Travel Professional (Regulation) Act, 2014, and Section 24 of the Immigration Act, at Police Station Taragarh, District Pathankot.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. The FIR was registered on the complaint of Ranjit Singh and Mohinder Singh, alleging therein that the petitioner has sent their sons, Gurdeep Singh and Hardeep Singh, respectively, to Armenia instead of Portugal. The petitioner has been in custody since 29.10.2021. There is no other pending or decided case against

the petitioner. Challan has been presented.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner is running a travel agency without any valid license and he has received the money from the complainants for sending their sons abroad, but instead of sending them to desired destination Portugal, sent them to Armenia. However, he does not dispute the custody period of the petitioner and that there is no other pending or decided case against the petitioner. He submits that challan stands presented and prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 29.10.2021. Challan has been presented. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would taken a long time. Moreover, there is no other pending or decided case against the petitioner. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

17.01.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No