

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

232

CRM-M-50928-2022

Date of decision :08.12.2022

Sukhjinder Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Rajvir Singh, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no. 457 dated 04.07.2022 registered under Sections 406, 420 IPC, 1860 and Sections 10 and 24 of the Immigration Act at Police Station Ladwa, District Kurukshetra.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 06.09.2022 and the investigation is complete and the challan has already been presented and there are 15 prosecution witnesses, out of which, none have been examined and thus, the conclusion of trial is likely to take time and the petitioner is not involved in any other case and the case is triable by the Magistrate.

It is further submitted that it is the case of the prosecution that the complainant and his son were sent to Dubai but were not further sent to Canada and their visa for going to Canada was not applied, whereas the petitioner applied for their Visa and the counsel for the

petitioner has referred to Annexure P-9 & P-10 regarding the same. On account of Covid, the said visas were not issued. It is submitted that the entire case is based on documents and no purpose would be served by keeping the petitioner behind bars.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner had duped the complainant persons of Rs.14 lacs on account of sending them abroad.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 06.09.2022 and the investigation is complete and the challan has already been presented and there are 15 witnesses and out of which, none have examined and thus, the trial is likely to take time and the petitioner is not involved in any other case and that as per the case of the petitioner, the petitioner had applied for Visa for the complainant and his son but on account of Covid, the said visas were not issued. The entire case is based on documentary evidence and the case is triable by a Magistrate. No useful purpose would be served by keeping the petitioner in further incarceration.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the

petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

December 08, 2022
Rajeev (rvs)

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