

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

CRM-M-3902-2023
Date of decision: 24.04.2023

DILRAJ SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Molly A. Lakhanpal, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG, Haryana.

VIVEK PURI,J. (ORAL)

1. Custody certificate of the petitioner has been circulated today and the same is taken on record.
2. Dilraj Singh-petitioner is seeking regular bail in the case bearing FIR No.119 dated 06.07.2022 under Sections 406/420/467/468/471/201/120-B IPC, 1860 and Sections 10 and 24 of the Emigration Act, 1983 registered at Police Station Sadar Jagadhri, District Yamuna Nagar.
3. Learned counsel for the petitioner contends that the FIR was initially registered against Mohit and his father, Karamjeet Singh on the allegations that they have received a sum of Rs.15,00,000/- on the false pretext of sending his son abroad. The amount has been allegedly deceitfully received by Mohit and Karamjeet Singh. The petitioner has not been nominated in the FIR. Another FIR bearing No.232 dated 21.06.2022 has been registered against the petitioner and he is on bail in that case. Moreover, on the basis of substantially similar allegations, another FIR bearing No.137 dated 30.07.2022, under Sections 406/420 IPC, at Police Station Sadar Jagadhri, Yamunnagar has been registered against the petitioner and the bail application is pending in this Court.

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The petitioner has been nominated on the basis of the statement of the co-accused, Mohit. The allegations against the petitioner are to the effect that he had passed on fake air tickets to the co-accused but there is nothing on record to indicate that the petitioner was in any manner involved in the matter and is not having any concern with the affairs of Universal Consultant Bilaspur. The petitioner is in custody for a period of 08 months and 12 days and furthermore, the investigation of the case is complete, challan has been presented and out of 13, only 01 witness has been examined.

4. Learned State counsel has opposed the bail application on the score that during the course of interrogation, the petitioner had made a disclosure statement to the effect that he had sold the laptop and the printer from which the fake tickets/Visa were generated to a scrap dealer. He further submits that a sum of Rs.4,200/- has been recovered from the petitioner. However, it was not found that the petitioner was in any manner concerned with the affairs of Universal Consultant Bilaspur which concern allegedly generated the fake documents.

5. It is significant to note that the petitioner is in custody for a period of 08 months and 12 days. The petitioner has been sought to be nominated on the basis of the disclosure statement of the co-accused. No incriminating documents i.e fake tickets, Visa etc. or the equipment for preparing the same has been recovered from the petitioner. The investigation of the case is complete and the challan has been presented. The offences are triable by the Court of learned Judicial Magistrate 1st Class. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

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6. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.
7. The petition is allowed accordingly.

24.04.2023
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(VIVEK PURI)
JUDGE

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