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

**CRM-M-4156-2023  
Date of Decision: 19.04.2023**

Amritpal Singh @ Pali

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Nirmal Preet Singh Hira, Advocate  
for the petitioner.

Mr. Harjinder S. Sidhu, AAG, Punjab.

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**HARSH BUNGER J. (ORAL)**

Prayer in the present petition, filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to the petitioner in case FIR No.40 dated 07.09.2018, under Sections 420, 120-B of the Indian Penal Code, 1860, and Section 13 of the Punjab Prevention of Human Smuggling Act, at Police Station Mattewal, District Amritsar.

2. Custody certificate dated 18.04.2023 of the petitioner is filed by the learned State counsel in Court today and the same is taken on record, subject to all just exceptions.

3. Succinctly, the abovesaid FIR has been registered on the basis of the complaint made by one Kulwant Singh (complainant) son of Kartar Singh, wherein it is alleged that the petitioner along with co-accused cheated the complainant by taking Rs.5,00,000/- for sending the son and son-in-law of the complainant to Malaysia. It is further alleged that the complainant deposited passports, photographs, documents and money on different dates

and in different accounts (stated to be accounts of employees of accused) but petitioner along with co-accused failed to send the son and son-in-law of complainant to abroad and had done fraud with the complainant. Accordingly, the present FIR was registered.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is submitted that no recovery has been effected from the petitioner nor is he involved in any other case. It is further submitted that the petitioner has been in custody since 01.06.2022; investigation is complete and challan stands presented against the petitioner. Learned counsel next submits that the trial would take some time and the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court; accordingly prayer for grant of regular bail is made.

5. Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence, however, it is not disputed that the petitioner has been in custody for more than ten months, challan has already been presented and charges have been framed. It is also not disputed that the petitioner is not involved in any other case.

6. I have heard learned counsel for the parties and perused the paper book as well as custody certificate filed by learned State counsel, in Court today.

7. In this case, the petitioner has been in custody for 10 months and 21 days (as on 18.04.2023) and challan has already been presented. The trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind the bars.

8. Keeping in view the aforementioned circumstances, the instant

petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity, during the pendency of the trial.

9. The petitioner shall appear before the police station concerned on alternate Monday of every month till the conclusion of the trial.

10. In addition, the petitioner (or any one on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law, in case of the absence of the petitioner from trial without sufficient cause.

11. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

12. The petition is accordingly disposed of.

**19.04.2023**

*Himani*

**(HARSH BUNGER)**  
**JUDGE**

|                              |   |        |
|------------------------------|---|--------|
| 1. Whether speaking/reasoned | : | Yes/No |
| 2. Whether reportable        | : | Yes/No |