

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

**CRM-M No.5636 of 2023
Date of Decision: 17.07.2023**

Gurparam Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

Mr. Paramjit Singh Brar, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.0015 dated 09.03.2021 registered under Sections 420, 120-B of IPC at Police Station Sadiq, District Faridkot (Annexure P-1).

The FIR in the present case was got registered by Lakhveer Singh son of Jagjit Singh by alleging that he wanted to send his son Kuldeep Singh and daughter Jasdeep Kaur abroad. The petitioner and other accused were introduced to the complainant by one Gurpal Singh. It was further alleged that the petitioner and Varinderjit Kaur assured the complainant that they could send his son and daughter to Canada on permanent basis by obtaining visa and demanded a sum of Rs.50 lacs from the complainant. As per the complainant,

the petitioner in connivance with his wife Varinderjit Kaur, parents Amar Singh and Jasveer Kaur and Nirmal Singh induced him to pay a sum of Rs.26.70 lacs in order to secure the immigration of his son Kuldeep Singh and daughter Jasdeep Kaur to Canada. As per the complainant, the cheated money was received by the petitioner and co-accused by way of bank transfers and in cash as well.

Learned counsel for the petitioner contends that he has been falsely implicated in the present case. During the course of investigation, co-accused Jasveer Kaur and Nirmal Singh were found innocent and this proves that the version of the complainant was partially false. The petitioner was arrested in the present case on 03.08.2021 and is in custody for the last about 01 year and 11 months. The challan has been presented against the present petitioner and the examination-in-chief of three material witnesses, namely, Lakhvir Singh, Jasdeep Kaur and Gurpal Singh have been recorded. He contends that further custody of the petitioner will serve no meaningful purpose. Apart from that, Varinderjit Kaur and Amar Singh have already been granted concession of bail by this Court in CRM-M-16221-2022 and CRM-M-469-2022 respectively.

On the other hand, learned State counsel submits that there are specific and serious allegations against the present petitioner and the petitioner is involved in several other cases as well. Consequently, keeping in view the nature and gravity of the charge against the petitioner and the pendency of the several other cases, the petitioner does not deserve the concession of bail.

I have heard the learned counsel for the parties and perused the record.

Admittedly, the petitioner is in custody since 03.08.2021 i.e. for the last more than 1 year and 11 months and the challan has been presented against him. All the offences in the present case are triable by the Court of Magistrate and the trial is yet to commence before the learned trial Court. Still further, Varinderjit Kaur, wife of the petitioner has already been granted concession of bail by this Court vide order dated 11.07.2022 (Annexure P-3). Apart from that, it is not even the case of the prosecution that the petitioner is in a position to influence the witnesses of the prosecution in any manner.

So far as the plea regarding the pendency of the other cases against the petitioner is concerned, the law is well settled that each case for bail of an accused has to be considered on the strength of the merits of the said case. Even though, the criminal antecedents of an accused may be one of the important considerations for grant of bail, but merely because of the fact that the petitioner is involved in some other cases cannot be sole ground to confine the petitioner in jail in perpetuity. The bail to a petitioner in a particular case cannot be denied solely on the ground that several other cases are pending against him, even though, the petitioner has been able to make out a case for grant of bail in the case in hand.

The Hon'ble Supreme Court in the matter of Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831 has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of **Maulana Mohd. Amir Rashadi Vs. State of U.P., and another 2012(1) R.C.R. (Criminal) 586.**

In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

The concerned Court may insist on two heavy local sureties and may also impose any other conditions, in accordance with law, while accepting the bail bonds/surety bonds of the petitioner. In case, the petitioner involves in any other case during the pendency of the trial of the present case, it shall be viewed seriously and the prosecution shall be at liberty to apply for cancellation of bail granted to the present petitioner.

17.07.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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