

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

CRM-M-6651-2022 (O&M)
Date of Decision:-**09.01.2023**

AVTAR SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Ms. Mandeep Kaur, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.35 dated 19.8.2021 registered under Section 420 IPC and Section 13 of Punjab Travel Professionals (Regulation), Act 2013 and Section 24 of the Emigration Act, at Police Station Nangal Bhoor, District Pathankot.

The counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and is incarcerated for the last more than 1 year and that it will take time for the trial to conclude, so prayer is made for grant of bail by the petitioner.

The instant petition is resisted by the State counsel, who submitted that the present petitioner took huge money from complainant Lucky and one Davinder Kumar on the pretext of sending them abroad but thereafter he failed to do so and also refused to return money to them.

However, the State counsel on instructions from ASI Sanjeev Kumar has admitted that after completion of investigation challan was presented and trial is going ahead and already complainant-Lucky and Davinder Kumar stands examined.

I have considered the submissions made by counsel for the parties.

All the offences are triable by the Judicial Magistrate Ist Class, and as per custody certificate of the petitioner, he is lodged behind the bars since last more than 1 year. The complainant and other material witness Davinder Kumar stand examined as a clear from the report dated 9.11.2022 received from the learned trial Court. The official witnesses are yet to be examined. It will take time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars for any longer period. Further there is no apprehension that if released on bail, the petitioner is going to influence victims of crime in the present case.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

09.01.2023
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No