

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

CRM-M-17657-2022
Date of decision: 29.05.2023

Krishneil Von Roy Reddy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Om Pal Sharma, Advocate
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

Mr. N.S. Dhandiwal, Advocate
for the complainant.

NAMIT KUMAR, J. (ORAL)

1. Petitioner has filed the instant petition under Section 439 Cr.PC seeking regular bail in case FIR No.281 dated 28.11.2021 under Sections 406/420 of IPC, 1860 and Section 24 of Immigration Act, registered at Police Station City Phagwara, District Kapurthala (Annexure P-1).

2. The brief facts of the prosecution case are that the instant FIR was registered on the basis of complaint made by complainant Joginderpal son of Des Raj, who had submitted in his complaint that his son Ankush is 10+2 passed and he went to New Zealand (abroad) in the month of February, 2012 and thereafter he returned back to India in the month of December, 2017. Further, complainant had submitted that his son Ankush wanted to go to Australia as his daughter Sakshi was already studying in Australia (abroad). In the month of April 2019, complainant and his family members were trying to

look for match of his daughter Sakshi and regarding this they opened the account with Jeevansathi.com and then uploaded the details of Sakshi there. On reading the same, petitioner/Krishneil Von Roy Reddy then contacted the complainant party for getting married to Sakshi. Further, complainant had submitted that the present petitioner assured him (complainant) that he has been sending persons abroad and even doing the work of visa consultants under the name of Von Roy Group Visa Consultants, Babbar Akali Market, Near Bus Stand, Phagwara, District Kapurthala and also assured that he will marry Sakshi and then settle Sakshi permanently in Australia. Further, complainant had submitted that even the present petitioner also assured that his (complainant's) son Ankush will also be settled permanently at Australia. Further, complainant had submitted that during intervals of time, the present petitioner took Rs.45 lacs from him. However, neither the present petitioner got permanently settled Ankush in Australia nor he got married with Sakshi nor his money was returned and in this way the petitioner had cheated him. Further, the complainant had also given the minutes details in his complaint regarding the payments made to the petitioner.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that petitioner is in custody since 20.03.2022; investigation in the present case is complete; challan has been presented; charges are yet to be framed and the case is now fixed before the trial Court on 07.06.2023. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel assisted by the learned counsel for the complainant, while placing on record, custody certificate, oppose the prayer for grant of regular bail to the petitioner by stating that the petitioner is

involved in the following other cases:-

Sr. No.	FIR No.	Details
1	251	Dated 23.10.2021 under Sections 406/420 IPC and Section 24 of Immigration Act, PS City Phagwara, District Kapurthala.
2	252	Dated 23.10.2021 under Sections 406/420 IPC and Section 24 of Immigration Act, PS City Phagwara, District Kapurthala.
3	191	Dated 01.10.2022 under Sections 406/420 IPC and Section 24 of Immigration Act and Section 13 of the Punjab Travel Professions (Regulation) Act, 2014 PS City Phagwara, District Kapurthala.
4	58	Dated 21.03.2022 under Section 306 IPC, PS Dharam Kot, District Mogga.

However, he could not dispute that investigation in the present case is complete; challan has been presented; charges are yet to be framed and the case is now fixed before the trial Court on 07.06.2023.

5. To controvert the said contention, learned counsel for the petitioner has produced copy of order dated 06.02.2023 passed by a Coordinate Bench of this Court in case bearing CRM-M-44490-2022 titled as **Krish Reddy alias Krishneil Von Roh Reddy Vs. State of Punjab** whereby the petitioner has been granted concession of regular bail in FIR No.58 dated 21.03.2022 under Section 306 IPC, PS Dharam Kot, District Mogga and he has further produced another copy of order dated 04.03.2023 passed by Ld. Sessions Judge, Kapurthala whereby the petitioner has been granted concession of regular bail in FIR No.191 dated 01.10.2022 under Section 420 IPC and Section 13 of the Punjab Travel Professions (Regulation) Act, 2014 PS City Phagwara, District Kapurthala.

Learned counsel has also relied upon the judgment of Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** to contend that the facts and circumstances of the

present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced as under:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

6. I have heard learned counsel for the parties and perused the record.
7. Keeping in view the custody of the petitioner, which is about 01 year, 2 months and 5 days; investigation is complete; challan has been presented; charges are yet to be framed and the case is now fixed before the trial Court on 07.06.2023; petitioner has already been granted concession of regular bail in two other cases by the Co-ordinate Bench of this Court and by the Ld. Sessions Judge, Kapurthala, respectively and trial is likely to take a considerable time.
8. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
9. Accordingly, the present petition stands disposed of.
10. Nothing observed herein shall be construed as an expression of opinion on the merits of the case of either parties.

29.05.2023
Parveen kumar

(NAMIT KUMAR)
JUDGE

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