

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(210-A)

CRM-M-24478-2023
Date of Decision : July 21, 2023

Rajwant Singh

.. Petitioner

Versus

State of Haryana

.. Respondent

(210)

CRM-M-23020-2023

Balinder Kumar

.. Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bipan Ghai, Senior Advocate, with
Mr. Rishabh Singla, Advocate, for the petitioner
in CRM-M-24478-2023.

Mr. Rahul Rathore, Advocate, for the petitioner
in CRM-M-23020-2023.

Mr. Surender Singh, Assistant Advocate General, Haryana.

Mr. Vishwajeet, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

By this common order, two petitions, the details of which have
been given in the heading of the order, are being disposed of as both the

petitions arise out of the same FIR.

The prayer in these petitions is for the grant of regular bail to the petitioners in respect of FIR No.1179 dated 23.12.2022 registered under Sections 406, 420, 506, 34 of the IPC, 1860 and Section 24 of the Immigration Act at Police Station Sadar, Karnal.

Learned senior counsel appearing on behalf of the petitioner Rajwant Singh submits that the bare reading of allegation alleged in the FIR shows that even as per complaint, the son of the complainant wanted to United States of America and that too by adopting illegal method. Learned senior counsel for the petitioner further submits that as the son of the complainant failed to reach America, she raised a demand to return the money allegedly paid to the petitioner whereas the alleged payment made is only a statement given by the complainant but no corroborating fact has come on record in this regard.

Learned counsel for the petitioners further submits that the petitioners are already behind the bars since six months and keeping in view the fact that the investigation is already over and the challan has also been presented and out of the total 16 witnesses, none has been examined so far and the trial is likely to take some time before it concludes, hence, the petitioners may kindly be extended the benefit of regular bail.

Learned State counsel concedes the factum that the investigation is over and the challan has been presented and the charges have already been framed against the petitioner Rajwant and also concedes the fact that out of total 16 witnesses, none has been examined so far.

Learned counsel appearing on behalf of the complainant submits that in the present case, the complainant is a poor lady who wanted his son to migrate to America and taking benefit of the said wish, not only

the money which complaint got after selling his land has been taken away by the petitioner but even her son failed to reach America and the complainant has been duped by the petitioner, hence, the prayer of the petitioners for the grant of regular bail may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the allegations alleged in the FIR coupled with the fact that the investigation is already over and none of the 16 cited witnesses have been examined so far, the trial is likely to take some time before it concludes, hence, no useful purpose will be served in keeping the petitioners behind the bars during the entire period of trial especially when the allegations alleged are yet to be proved coupled with the fact that learned senior counsel for the petitioner has undertaken before this Court that in case the petitioners are extended the benefit of regular bail, they will not interfere in the trial or influence the witnesses in any manner.

In view of the above, the petitioners have made out a case for the grant of regular bail.

At this stage, learned counsel for the complainant submits that it is likely that none of the accused namely Rajwant Singh might flee the country.

To rebut the said contention, learned senior counsel for the petitioner submits that passport of petitioner Rajwant Singh will be submitted as a surety before the trial Court so as to rebut the apprehension of the complainant and in case, he has to go abroad, he will only go after taking due permission from the Court.

Keeping in view the said fact, as undertaken by the learned counsel for the petitioner, the trial Court/Illaq Magistrate is directed to

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keep the passport of the petitioner Rajwant Singh with the Court as the same is being voluntary deposited by him.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioners be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

Both the petitions are allowed in above terms.

July 21, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No