

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

CRM-M-27633-2023(O&M)

Date of Decision:-04.12.2023

Hukam Singh.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Manoj Pundir, Advocate for the applicant/Petitioner.

Mr. Ravish Kaushik, Additional Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

CRM-50841-2023

Allowed as prayed for.

Documents annexed along with the application are taken on record as Annexure P-4 to P-6. The Registry is directed to place the same at appropriate place and paginate the paper book accordingly.

CRM-M-57113-2023

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.555 dated 27.12.2022 under Sections 406, 420, 506 and 34 IPC registered at Police Station Taraori, District Karnal, Haryana.

2. The present FIR came to be registered at the instance of Navdeep Singh and Sunny who stated that the accused Hukum Singh (petitioner), Manish Pandit and Gurpreet Dhillon were known to them

(complainants). The aforementioned persons told them (complainants) that they were in the business of sending people abroad for which they would charge Rs.21 lacs per person. Based on the assurance they (complainant) sold his land and borrowed some money from their relatives and arranged Rs.42 lacs. They (complainant) approached the accused at a Commission Agent's shop at Taraori and Vijender, Ramesh and Gurcharan accompanied them (complainant party). A sum of Rs.42 lacs was handed over in cash to Hukum Singh who handed over the said amount after counting to Manish Pandit who further handed over it to Gurpreet Dhillon. A writing was executed that in case they (complainant party) did not reach America then the amount would be refunded back. Ramesh Kumar, Pardeep and Gurcharan signed as witnesses. Despite the fact that the said amount was paid to the accused they refused to send them (complainant party) to USA and further refused to refund the money.

3. The learned counsel for the petitioner contends that the allegations levelled against the petitioner were baseless. Sunny has not been made a witness as per the report under Section 173(2) Cr.PC. The allegations against the accused of receiving a sum of Rs.42 lacs in cash seems to be unbelievable. The alleged receipt is a forged document prepared on a letter pad which does not belong to the petitioner or his firm. In fact the main allegations were against Manish Pandit and Gurpreet Dhillon who were working as agents of immigration company. A civil suit for declaration along with the consequential relief of mandatory injunction had been instituted by Navdeep Singh against the petitioner and other accused. The petitioner himself had filed a complaint with the Income Tax Authorities at Karnal after the present FIR was registered. As the petitioner was in custody since 06.03.2023, none of the 16 prosecution witnesses had been examined

so far and he was on bail in two other case of similar nature registered against him, he was entitled to the grant of bail in the present case as well.

4. The Counsel for the State on the other hand while referring to the reply dated 13.09.2023 contends that the allegations against the petitioner and his co-accused are grave. A huge amount of money has been received by the accused on the pretext of sending the complainants abroad. Despite the said fact, the complainants were not sent to America and their money was not refunded. Therefore, the petitioner was not entitled to the grant of bail, more so as he was a habitual offender with criminal antecedents. He however concedes that the petitioner is in custody since 06.03.2023, none of the 16 prosecution witnesses had been examined so far as also the fact that in the other two cases registered against him bearing FIR No.182 dated 05.03.2022, under Sections 406, 420 IPC P.S. Krishna Gate, Thanesar, District Kurukshetra and FIR No.199 dated 27.03.2022 under Sections 406, 420 IPC P.S. Kharar, District SAS Nagar, Mohali the petitioner has been granted the concession of bail vide orders dated 16.08.2022 passed in CRM-M-20601-2022 (Annexure P-5) and dated 29.11.2022 passed by SDJM, Kharar (Annexure P-6).

5. I have heard the learned counsel for the parties.

6. This Court in the case *titled as Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab* bearing CRM-M-24033-2021(O&M) Decided on 31.08.2022 has held as under:-

“ Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts), in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule.

However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the trial. Admittedly, the petitioner is stated to be in custody since 06.03.2023 and none of the 16 prosecution witnesses have been examined so far. In the other two cases registered against him he had been granted the concession of bail. Nothing significant has been pointed out by the State that the petitioner would abscond from the Trial, tamper with the evidence or influence the witnesses if he is granted the concession of regular bail. Therefore, his further incarceration is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Hukum Singh** son of Sh. Shyam Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

10. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

11. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- 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 the trial without sufficient cause.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 04, 2023

Vinay

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