

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

Neutral Citation No. 2023:PHHC:114537

CRM-M-31352-2023 (O&M)

Reserved on: 24.08.2023

Date of Decision: August 31, 2023

Gurjit Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. S.S. Momi, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.476 dated 21.07.2022, under Sections 406, 420 IPC and Sections 10/24 of the Emigration Act, 1983 (Later on Section 506 IPC was added), registered at Police Station Thanesar Sadar, District Kurukshetra, Haryana.

2. FIR was lodged on the complaint of Smt. Gurmeet Kaur, as per which, she has been cheated by the petitioner for an amount of ₹15,15,000/-, given to him on different dates, on the pretext of sending her son abroad.

3. It is contended by learned counsel that the petitioner has been falsely implicated; that as a matter of fact, police unleashed a reign of terror by abusing the process of law and registered three back-to-back FIRs against him, falsely implicating him. Learned counsel contends that in fact, the petitioner is also the victim, inasmuch as he lost huge amount in unsuccessful attempt to send his son Inderjeet Singh abroad. He intended to send his children and brother Harjeet Singh abroad and in order to arrange funds, he had even sold his land in November, 2022. Still further, it is contended that petitioner had made a deal to send his son

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Inderjeet Singh to U.S.A. for a sum of ₹28 lacs through one Billa, resident of Jalandhar. Said Billa was introduced to him by one Hira Lal to whom an amount of ₹50,000/- through UPI was sent on 19.08.2021. As the parents of the complainant party were known to the petitioner, they insisted upon him to ask his agent Billa for sending their children to U.S.A. Billa did not provide his account number to the complainant and asked the petitioner to hand over the amount to his agent at Delhi. Complainant transferred the amount in the account of the petitioner, who handed over the same to the associate of Billa. Learned counsel contends that petitioner being a simpleton person, received the amount in his account. Had he been an agent, he would not have got transferred the alleged amount in his account. Still further, it is contended that petitioner is an acute diabetic patient and is on insulin. Learned counsel contends further that investigation is already complete and that during investigation bank accounts of the petitioner was freezed.

4. As per the status report filed by the respondent-State, medical condition of the petitioner at present is stable, though he is a patient of Diabetes Millitus Type-2. It is contended that petitioner committed cheating on the pretext of sending the son of the complainant to the foreign country, by receiving an amount of ₹15,15,000/- and that allegations against the petitioner being serious and he being a habitual offender being involved in two more cases of similar nature, is not

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entitled for the bail.

5. Status report regarding latest medical condition of the petitioner was called and as per the medical report dated 22.08.2023, petitioner has medical history of Diabetes Millitus Type-2. He is under treatment from LNJP Hospital, Kurukshetra and the jail hospital. He has been admitted in the hospital from time to time. Of late, he was admitted in the LNJP Civil Hospital, Kurukshetra on 20.07.2023, where he is admitted till date.

6. Apart from the poor medical condition of the petitioner, which is evident from the medical status report dated 22.08.2023 issued by the Medical Officer, District Jail, Kurukshetra, said status report reveals that investigation is already complete in this case. Petitioner is in custody since 26.03.2023. Trial may take long time to conclude.

7. Having regard to all the aforesaid facts and circumstances, particularly the medical condition of the petitioner, but without commenting upon the merits of the case, the petitioner is admitted to bail. He is ordered to be released on bail on his furnishing personal bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

Allowed.

August 31, 2023

Sarita

**(DEEPAK GUPTA)
JUDGE**

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No

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