

CRM-M-34845 of 2022 (O&M)

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

CRM-M-34845 of 2022 (O&M)
Date of decision: 20.02.2023

Jasveer Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Harjeet Kaur Gill, Advocate, for the petitioner.
Mr. Adhiraj Singh, AAG, Punjab.
Mr. Rajesh Nain, Advocate, for respondent No.2.

NAMIT KUMAR, J. (ORAL)

CRM-8134 of 2023

This application has been filed by the applicant-petitioner under Section 482 Cr.P.C. for placing on record a copy of the compromise dated 20.01.2023 effected between the parties as Annexure C-1.

In view of the averments made in the application, same is allowed. Annexure C-1 is taken on record subject to all just exceptions.

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This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.0050 dated 14.07.2021 under Sections 420 IPC (Section 201 IPC added lateron) and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014, registered at Police Station Purana Shalla, District Gurdaspur, Punjab.

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Present FIR was registered on the basis of complaint moved before the S.S.P, Gurdaspur by complainant Satnam Singh with the allegations that petitioner-Jasbir Singh allured him that he will send his son Hardeep Singh to Canada and demanded Rs. 13 lac from him. He asked him to arrange 2 and 4 boys more for sending them abroad. In this regard, he shared this information with his son Hardeep Singh, Malkiat Singh, Manjit Singh and Rajwinder Singh. On 04.02.2020, petitioner-Jasbir Singh came to his house and they all talked with him and thereafter, he left the spot after taking Rs.30,000/- and passports from each boy in the presence of his mother and father. On 01.08.2020, he came to his house and again taken Rs.50,000/- from each of them on the pretext that they will get job letter. Petitioner received Rs.8,43,000/- from them. The amount of Rs.4,33,000/- was transferred in the account of his wife. On 04.09.2020, petitioner also received Rs.50,000/- from each of three boys in the presence of his father and mother. Thereafter, petitioner left the place where he resides and on 12.02.2021, he sent reply on Whatsapp that he will return their money in their account but till date, he neither sent them abroad nor the amount has been returned.

On issuance of notice of motion, status report by way of affidavit of Mangal Singh, Deputy Superintendent of Police, Dinanagar, District Gurdaspur, has been filed on behalf of the respondent-State, which is already on record.

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further submits that petitioner is not the beneficiary as he has not received even a single penny from the complainant. He further submits that petitioner is in

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custody since 24.05.2022. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed and two witnesses out of total 20 prosecution witnesses have been examined and the case is now fixed before the trial Court on 03.03.2023. He is not involved in any other case. Learned counsel further submits that matter has been compromised between the parties vide compromise dated 20.01.2023 (Annexure C-1). Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

Learned counsel for respondent No.2 admits the factum of compromise and submits that he has no objection if the petitioner is granted the concession of regular bail.

Per contra, learned State counsel while placing on record custody certificate opposes the prayer for grant of regular bail to the petitioner. However, he could not dispute that investigation in the present case is complete; challan has been presented; charges have been framed and two witnesses out of total 20 prosecution witnesses have been examined and the case is now fixed before the trial Court on 03.03.2023 and the petitioner is not involved in any other case.

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody of the petitioner, which is about 07 months and 10 days; investigation is complete; challan has been presented; charges have been framed and out of 20 prosecution witnesses, only two prosecution witnesses have been examined; petitioner is not involved in any other case; parties have compromised the matter and trial is

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likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

20.02.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No