

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36123-2023

Date of Decision: 01.08.2023

Arpinder Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rakesh Chopra, Advocate and
Mr. Jashan Chopra, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail to him in case FIR No.0110 dated 22.06.2023 registered under Sections 406, 420, 467, 468, 471, 474 of IPC and Section 24 of Immigration Act and Section 13 of Punjab Travel Professionals Regulation Act, at Police Station Phase-I, Mohali.

As per the story of the prosecution, a police party headed by SI Dilbag Singh was present in Phase-5, Mohali in connection with checking of suspicious persons and a secret informer informed him that Arpinder Singh son of Raghbir Singh was doing the work of sending people abroad on fake visa and was running an immigration consultant office and a raid was conducted on the said person immediately, he could be apprehended on the spot. He was running the said business without obtaining license from District Magistrate, SAS Nagar and the passports of various persons and the fake visas could be recovered from

him. With these broad allegations, the FIR in the present case was registered against the petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely involved in the present case only on the basis of the suspicion and nothing incriminating has been recovered from him. As per the allegations of the prosecution, the petitioner got two Aadhaar Cards recovered from his shop, however, the said recovery does not indicate the commission of any crime. Still further, the investigation in a case under the provisions of Punjab Travel Professionals Regulation Act has to be conducted by an officer not below the rank of DSP and the investigation has been conducted in the present case by an officer, who was not authorized to investigate. Learned counsel further contends that the prosecution has falsely alleged that the petitioner had cheated Sudhir to the tune of Rs. 35,000/- and Parvez to the tune of Rs.94,000/- and the petitioner is ready to deposit the said amount before the learned trial Court, subject to the outcome of the trial pending before the Court.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground the petitioner is the main accused and there are specific allegations against him. However, he admits that there is no other case against the present petitioner.

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

It is not in dispute that in the present case, the petitioner was arrested on 22.06.2023 and is in custody since then. The recoveries, if any, have already been effected from the petitioner and the final report under Section

173 Cr.P.C. is likely to be presented against him. Thus, further custody of the petitioner will serve no meaningful purpose.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

The petitioner shall deposit an amount of Rs.1,29,000/- with the learned trial Court/Illaqua Magistrate, within four weeks subject to the outcome of the trial pending before the learned trial Court and the learned trial Court is directed to deposit the said amount in a fixed deposit in some nationalized bank during the pendency of the trial.

01.08.2023
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(N.S.SHEKHAWAT)
JUDGE

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