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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36422-2023(O&M)

Date of Decision: 02.08.2023

Raj Kumar

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Virender Partap Singh, Advocate, for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.30 dated 16.05.2023, under Sections 420, 406 IPC, Section 13 of Prevention of Human Smuggling Act and Section 23 of Immigration Act, registered at Police Station Taragarh, District Pathankot (Punjab).

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 17.05.2023 and investigation of the case has already been completed and thereafter challan has been presented. He further submitted that petitioner is not involved in any other case and has got clean antecedents and it is a case which is triable by Magistrate. He submitted that the allegations are pertaining to purely money dispute and the trial of the case may take long time and therefore, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Harsimar Singh Sitta, DAG, Punjab has submitted that it is correct that the petitioner is in custody from 17.05.2023 and investigation of the case has already been completed and challan has been presented and it is a case which is triable by Magistrate. He submitted that it is correct that the petitioner is not involved in any other case.

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

5. The petitioner is in custody from 17.05.2023. The investigation of the case has already been completed and challan has been presented. The petitioner is stated to be not involved in any other case and it is a case which is triable by Magistrate. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. At this stage, learned counsel for the petitioner has stated that there is a typographical mistake in the head note as well as in the prayer clause of the petition that instead of Section 24 of the Immigration Act, Section 23 of the Immigration Act has been inadvertently mentioned and on his oral request, the aforesaid inadvertent mistake may be rectified.

9. Mr. Harsimar Singh Sitta, DAG, Punjab has stated that he has no objection in case the aforesaid inadvertent mistake is rectified.

10. In view of the above, it is directed that in the head note as well

as in the prayer clause of the petition, Section 23 of the Immigration Act be substituted and read as Section 24 of the Immigration Act.

11. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

02.08.2023
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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