

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.47961 of 2023
Decided on :- 16.12.2023

VIPAN KAUSHAL @ KARAN SHARMA AND ANR

... Petitioners

Versus

STATE OF U.T. CHANDIGARH AND ANR

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Gursahib Singh Hundal, Advocate for
for the petitioners.

Ms. Simsi Dhir Malhotra, Addl. P.P.UT, Chandigarh.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioners under
Section 439 of the Code of Criminal Procedure for grant of regular bail to
the petitioners in the following case:-

FIR No.	Dated	Sections	Police Station
94	22.05.2023	420, 467, 468, 471, 120-B IPC and Section 24 of the Immigration Act	39, Chandigarh

2. It is *inter alia* contended by learned counsel for the petitioners
that the petitioners have been falsely implicated in this case. He submits that
petitioners were running a travel agency and had been accepting the fees
only through bank and never indulged in cash transactions. He submits that

the case of the complainant was forwarded to one Nitin Sharma for processing who assured to get the genuine visa to the complainant. The petitioners have no role in issuance of visa and they are in custody since 22.05.2023. He submits that the petitioners are not required for investigation as the challan has already been presented in Court and till date no witness has been examined, as such he prays for grant of concession of bail to the petitioners.

3. On the other hand, learned State counsel has submitted that the petitioners do not deserve concession of bail as the company run by the petitioners is not registered as per law and moreover there are two other FIRs registered against the petitioners.

4. After considering the respective arguments, it is clarified by learned counsel for the petitioners that the petitioners are on bail in both the FIRs as referred by the learned counsel for the State. Admittedly petitioner No.1 is in custody since 22.05.2023 and petitioner No.2 is in custody since 23.05.2023, challan has already been presented in the Court, however, none of the witness has been examined out of 11 witnesses cited by the prosecution till date; the conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioners and no useful purpose would be served by detaining the petitioners any longer.

5. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioners behind bars. Therefore, the present petition is allowed. The petitioners are ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any

other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

7. Pending application(s) shall also stand disposed of.

(SANJIV BERRY)

JUDGE

16.12.2023

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No