

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM-M-50778-2022(O&M) Date of Decision: 20.03.2023

Sandeep Singh

--Petitioner

Versus

State of Punjab

--Respondent

2. CRM-M-50942-2022(O&M)

Sukhwinder Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Ravinder Singh, Advocate &
Mr. Hitesh Kumar Sammi, Advocate for the petitioners.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ.J (Oral)

CRM-41546-2022 in CRM-M-50778-2022

Application is allowed as prayed for.

CRM-41706-2022 in CRM-M-50942-2022

Application is allowed as prayed for.

Main Petitions

This common order will dispose of the aforementioned two petitions filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioners in case FIR No.0064 dated 22.3.2022 under sections 365, 342, 323, 406, 420, 506 IPC and section 13 of Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station, Samana, District Patiala.

As per factual matrix, the FIR in question was lodged by Udhampreet Singh son of Gurdeep Singh, wherein it was alleged that they met Sukhwinder Singh i.e. petitioner in CRM-M-50942-2022 about a year ago and discussed with him regarding their going to Canada. Sukhwinder

Singh promised them that their work would be done. He got them introduced with Paali Sidhu. During that period they remained in touch with Sandeep, Gill and Romi. On 18.1.2022 Sukhwinder Singh, Sandeep Singh and an unidentified girl came to them with Romi to take them to Hotel Aira Singh, Paharganj, Delhi. They were called at the airport and were made to wait there for about 4-5 hours. Thereafter, on the pretext of giving them the documents they were taken in two different vehicles. Their passports were taken. They were made to wear the masks and their mobile phones and karra from their hands were removed. When they removed their masks, they found themselves at some unknown place. They found themselves surrounded by 7-8 persons, who were armed with revolvers and pistols. They were compelled to talk to their family members and pay them Rs.27 lakh each and were also compelled to convince their family members that they have reached Canada, though they were very much in India itself. The family members of both the complainants transferred Rs.27 lakh each to the accused and thereafter they were released. They found themselves cheated and defrauded by the accused persons and a request was made to take legal action against the culprits.

The FIR was registered and investigation commenced. Petitioner Sandeep Singh was arrested on 19.6.2022 and petitioner Sukhwinder Singh was arrested on 15.4.2022. They approached the court of learned Addl. Sessions Judge, Patiala for grant of bail, however, after hearing the parties, their bail applications were declined vide orders dated 17.9.2022 and 13.7.2022. Aggrieved by the same petitioners have approached this court for grant of bail.

Learned counsel for the petitioners have vehemently contended that petitioners have been falsely implicated in the present cases. It is submitted that the petitioners neither received any amount from the complainants nor they were known to them. It is submitted that petitioner Sukhwinder Singh had only dropped the complainants at the hotel. It is submitted that the main allegations are against co-accused Pali, who is already sitting abroad. It is submitted that petitioners have no criminal antecedents and the investigation in these cases has already completed, petitioners may be granted the benefit of bail.

On the other hand, learned State counsel has opposed the submissions made by counsel for petitioners. He submits that the petitioners along with co-accused are running a racket of duping the innocent citizens. It is submitted that it was petitioner Sukhwinder Singh, who introduced the complainants with the main accused. Besides this petitioner Sandeep Singh has been specifically named in the FIR and his complicity is writ large. It is further submitted that co-accused Pali is already abroad. He submits that trial is at the initial stage and thus the petitioners have no case for grant of bail.

I have heard both the sides at length and have gone through the records carefully.

A perusal of the allegations made in the FIR would reveal that both the petitioners have been specifically named in the FIR. Complainants have been duped with heavy amount and both the petitioners have been assigned specific role in the FIR. The offence alleged to have been committed by the petitioners is a serious one and there is every possibility of their influencing the prosecution witnesses in case they are admitted to

bail.

In view of the above discussion, this court does not find any merit in these petitions and the same are accordingly dismissed.

(RAJESH BHARDWAJ)
JUDGE

20.03.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No