

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

CRM-M-49196-2023 (O&M)

Date of decision : 04.10.2023

LAKHBIR SINGH @ LAKHBEER SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Deepinder Brar, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.65 dated 5th of May, 2023 registered for the offences punishable under Sections 420, 346, 120-B IPC and Section 13 of Punjab Travel Profession Act, 2012 at Police Station Division No.2, District Pathankot.

2. As per the allegations levelled in the FIR it has been alleged as under :

“To Senior Superintendent of Police, district Pathankot. Subject:- Complaint against Tejinder Kumar son of Jyoti Ram resident of Panjpur, Manpreet Singh agent son of Kala and Lakhbir Singh son of Jaswant Singh resident of City Police Station Dahlon District Ludhiana for falsely assuring to send Paramjit Singh and Sachin Singh to foreign Newzealand in Rs. 15-15 Lakh and by taking 2½, 2½ Lakh taking to Combodia and detaining. Sir, it is submitted that I, Vijay Saini son of Mangat Ram, am resident Panjpur and am agriculturist. We are two brothers. Tejinder Kumar son of Jyoti Ram resident of Panjpur has gone abroad to Greece for last four

years. The mobile number is 81462-01813. My brother Paramjit Saini and Sachin Singh sons of Joginder Singh resident of village Panjupur had talked to Tender Kumar for going to abroad. Tejinder Kumar got introduced my brother Paramjit Saini and Sachin Singh to agent Manpreet Singh alias Manny son of Kala resident of City Police Station Dehlon, District Ludhiana. On 18.03.2023 my brother at Panjupur through phone talked to Tejinder Kumar and it was agreed that my brothers Paramjit Saini and Sachin Singh both will go to Newzealand on work permit for Rs. 15-15 Lakhs each. And agent Manpreet alias Manny got tickets booked from Delhi to Thailand, got them to Thailand on 18-04-2023. While going, my brother and Sachin Singh took Rs.50/50 thousand with them. After taking them to Thailand kept them in a hotel. After reaching Thailand my brother Paramjit Saini and Sachin Singh called through mobile phone on whatsapp and said that, send us USA dollar 2.5 Lakhs that are to be given to agent. That my brother Paramjit Saini gave money after arrangement from the sons of my maternal aunt who live abroad in Australia and Sachin Singh also gave payment after arranging from his some relation. Now Manpreet Singh is demanding Rs.15/15 lakhs from my brother and Sachin Singh. This has been told by my brother Paramjit Saini and Sachin to us by calling on whatsapp of mobile. I asked my brother Paramjit Saini that as to whom to give money, who told me that agent is saying for Lakhbir Singh son of Jaswant Singh resident of City Police Station Dehlon, District Ludhiana, whose mobile number is 77172-62642, who will meet you at Jalandhar, give it to him. They all in connivance have kept detained my brother Paramjit Saini and Sachin Singh in Combodia. That Tejinder Kumar and Manpreet Singh by giving false assurance to my brother Paramjit Saini and Sachin Singh for sending abroad to Newzealand have taken 2 ½-2 ½ lakhs by cheating and are demanding Rs. 15-15 lakhs more and by cheating have kept them confined in Combodia and have played fraud. Legal action be taken and my brother Paramjit Saini and Sachin Singh be got released from their clutches. I shall be thankful. Sd/- Vijay Saini”

3. Counsel for the petitioner contends that there is no allegation against the petitioner of having taken the money. The allegations are against Tejinder Kumar and Manpreet Singh. The only allegation against the petitioner is that he was assigned as a courier by the agent. Investigation already stands concluded and challan stands presented. The petitioner is behind bars since 5th of May, 2023.
4. State Counsel does not dispute the aforesaid factual assertions made by counsel for the petitioner which are based on record.
5. In view of above, without commenting on the merits of the case and keeping in view the incarceration already suffered by the petitioner coupled with the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
6. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 04, 2023
Dpr

(Pankaj Jain)
Judge

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