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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49645-2023
Date of decision: 06.12.2023

GURJEET SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Puja Chopra, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.195 dated 13.07.2023, under Sections 406, 420 of the IPC and Section 24 of the Immigration Act, registered at Police Station Division Tanda, District Hoshiarpur, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for about 4 months and 18 days and investigation of the case has been completed by the police and thereafter, challan has also been presented before the competent Court. She further submitted that the present is a case which is triable by Magistrate and the allegations against the petitioner are pertaining to sending the complainant and her brother abroad in lieu of some money. She

also submitted that even otherwise also, Rs.2,00,000/- have been paid back by the petitioner to the complainant and the trial of the case may take long time to conclude and therefore, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. Gurdarshan Singh Sidhu, AAG, Punjab submitted that it is correct that the petitioner is in custody for about 4 months and 18 days and the investigation of the case has already been completed by the police. He further submitted that it is also correct that the present is a case which is triable by Magistrate but the petitioner is involved in two more cases of similar nature.

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

5. It is a case where the petitioner is in custody for about 4 months and 18 days and the investigation of the case has already been completed by the police. The present is a case which is triable by Magistrate. The mere fact that the petitioner is involved in two more cases of similar nature cannot become a ground for denial of bail to the petitioner particularly in view of the fact that it is not the case of the learned State counsel 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. Therefore, considering the aforesaid totality and circumstances of the present case, 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, if not required in any other case, subject to

furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

06.12.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No