

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-60478-2022

Date of Decision: 17.5.2023

Vickram Singh alias Vicky

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rajat Dogra, Advocate
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.0180 dated 21.10.2020 registered for the offences punishable under Sections 420, 120-B IPC, Section 13 of Punjab Prevention of Human Smuggling Act (Sections 465, 467, 468, 471 IPC added later on) at Police Station Urban Estate, District Patiala.

2. The allegations in nutshell are that the petitioner and his accomplices lured complainant-Bhupinder Singh and one Jaswinder Singh and took ₹ 10,40,400/- from them on the pretext of sending them abroad but later on, they failed to provide any genuine visa and further failed to send the complainant and Jaswinder Singh to foreign country and misappropriated the aforesaid amount.

3. Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and is incarcerated for the last more than 6 months and is involved in one another criminal case wherein he is enlarged on bail. He further submits that only allegations against the petitioner are that he took amount of ₹ 10,400/- as charges for preparing the file of the complainant. He further contends that it will take considerable time for the trial to conclude and as such, no purpose will be served by detaining the petitioner for any longer period.

4. Present petition is resisted by the State counsel who submits that the petitioner is named in the FIR and there are allegations that the petitioner and other accused persons took amount of ₹ 10,40,400/- from the complainant and one Jaswinder Singh on the pretext of sending them abroad but thereafter, they failed to send them abroad and cheated them by keeping their money. However, the State counsel on instructions from ASI Gurmit Singh has not disputed the fact that the trial is at its initial stage as charges are yet to be framed. He has also not refuted the fact that the petitioner is in custody for the last more than 6 months and is already granted bail in another criminal case faced by him.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, all the offences are triable by the Court of Judicial Magistrate, 1st Class and the petitioner is in custody for the last more than 6 months and it will take time for conclusion of trial as same is yet to commence. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 17, 2023
Paritosh Kumar

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