

Harish Kumar

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. A.S Gulati, Advocate for
Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

Ms. Ramandeep Kaur, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 89 dated 27.05.2022, registered under Sections 420,120-B of IPC and Section 13 of Punjab Travel Professionals Act 2014, Police Station Nihal Singh Wala, District Moga.
2. As per the case of the prosecution, the petitioner had cheated the complainant with the tune of Rs.60 lacs on the pretext of sending the family members of the complainant abroad.
3. Learned counsel for the petitioner contends that he has been falsely involved in the present case. In fact, the petitioner was not running any Immigration Centre and did not send any person abroad. He was running HK Skill Centre at Patti. Learned counsel next contends that in fact, the complainant was having some financial dispute with Jagsir Singh, co-accused. Apart from that, it has been falsely alleged that the money was taken from the

complainant, on the pretext of sending his family members abroad. As per the learned counsel, the petitioner was arrested in the present case on 29.08.2023 and all the offences are triable by the Court of Magistrate. Learned counsel further contends that in the present case the challan has already been presented and the charges have not been framed against the petitioner so far.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner and his co-accused had cheated the complainant to the tune of Rs.60 lacs. Even an amount of Rs.13 lacs was transferred in the account of the present petitioner. However, learned State counsel admits that there is no other FIR against the present petitioner.

4. I have heard the learned counsel for the parties and perused the record.

5. The petitioner was arrested in the present case on 29.08.2023 and is in custody for the last about 03 months. The offences are triable by the Court of Magistrate and even the charges have not been framed against the present petitioner so far. Thus, further custody of the petitioner will not serve any meaningful purpose.

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

(N.S.SHEKHAWAT)
JUDGE

23.11.2023

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Whether speaking/reasoned
Whether reportable

:
:

Yes/No
Yes/No