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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60509-2023

Date of Decision: 07.12.2023

Mohammad Shahid @
Shahid Saleem

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Abdul Aziz, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.70 dated 09.06.2023 registered under Sections 420 of IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 at Police Station City-II, Malerkotla, District Malerkotla.

2. The FIR in the present case was registered on the basis of the complaint moved by Mohd. Anwar, who alleged that he had handed over a sum of Rs.1,30,000/- to Mohd. Shahid, accused/petitioner for sending his son Mohd. Sadiq to Saudi Arab for the job of driver and he had handed over passport and other documents to Mohd. Shahid, accused. It was further alleged that the accused was not an authorized agent to send people abroad and had committed a fraud with the complainant.

3. Learned counsel for the petitioner contends that there is

unexplained delay of about two years in lodging the FIR. Apart from that, the story projected by the complainant in the present FIR is highly unbelievable. In fact, the petitioner had never worked as a travel agent and had been falsely involved in the present case. He further contends that the petitioner was arrested in the present case on 17.08.2023 and is in custody for the last more than 03 months. The challan has already been presented by the police and all the offences are triable by the Court of Magistrate.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner.

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

6. It is apparent from the record that the petitioner is in custody for the last more than 03 months and the final report under Section 173 Cr.P.C. has been presented before the Competent Court. Thus, further custody of the petitioner will not serve any meaningful purpose.

7. 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.

07.12.2023

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(N.S.SHEKHAWAT)
JUDGE

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