

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

CRM-M-2088-2024 (O&M)
DECIDED ON: 09.02.2024

BHUPINDER SINGH @ GAGANDEEP SINGHPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Navjot Singh, Advocate for the petitioner.

Mr. Sanish Girdhar, AAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

CRM-5896-2024

This is an application under Section 482 Cr.P.C., for placing on record the Affidavit dated 16.12.2022 as Annexure P-3.

Application is allowed, as prayed for.

Annexure P-3 is taken on record with just exceptions.

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1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.048, dated 15.09.2023, under Sections 420 and 120-B of IPC, 1860 and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Cheema, District Sangrur (Annexure P-1).
2. Learned counsel for the petitioner submits that the role attributed to the petitioner is limited to the extent of introducing complainant namely Gagandeep Singh with Milbartan Singh @ Manna, who took an amount of Rs.25,84,000/- from the complainant as alleged in the FIR. He further submits that the petitioner is the

beneficiary only for an amount of Rs.3,00,000/- received in his wife's account and is ready and willing to return the said amount to the complainant directly.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record.
4. Considering the aforesaid assertions and the fact that investigation is complete, challan stands presented to Court on 05.12.2023, wherein charges are yet to be framed and 14 prosecution witnesses are to be examined, which is sufficient to infer this Court that conclusion of trial shall take sufficient time, though, the custody period is quite nominal at this stage i.e., 3 months and 28 days, but looking into the aspect that the petitioner is not involved in any other case, meaning thereby he is a person of clean antecedents and ready and willing to return the aforesaid amount to the complainant, the present petition deserves to be allowed.
5. In the light of above, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.
6. It is however made clear that in case, he does not return the amount, as undertaken before this Court i.e., Rs.3,00,000/- by way of demand draft to the complainant at the time of furnishing his bail bonds before the trial Court, the complainant as well as State would be at liberty to move an application for cancellation of bail.
7. The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

09.02.2024

Meenu

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