

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5237-2024
Decided On: 06.03.2024

JASWINDER

.....PETITIONER(s)

Versus

STATE OF HARYANA

.....RESPONDENT(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Rajesh Gaur, AAG, Haryana.

MANJARI NEHRU KAUL, J.(Oral)

1. The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.199 dated 28.08.2023 under Section 24 of Immigration Act and Sections 406, 420 IPC registered at Police Station Rajaund, District Kaithal.
2. Learned counsel for the petitioner *inter alia* contends that he has been falsely implicated in the instant case for allegedly luring the complainant to part with Rs.5,60,000/- on the pretext of sending him abroad. Learned counsel submits that a false case having been planted upon the petitioner is evident from the fact that not even a single penny out of the amount of Rs.5,60,000/- was paid by way of any bank transaction. Learned counsel has further submitted that since the investigation is complete and challan also stands presented, his further incarceration would serve no useful purpose as 12 prosecution witnesses have been cited and even the charges have not yet been framed.
3. *Per contra*, learned State counsel while opposing the prayer

and submissions made by the learned counsel for the petitioner, on instructions from Inspector Inder Singh, has not disputed the submissions made by learned counsel for the petitioner as per allegations the entire sum of Rs.5,60,000/- was paid to the petitioner by the complainant in cash. It has also not been disputed that the investigation in the case in hand is complete and challan also stands presented. He, however, submits that the petitioner is involved in two other cases of similar nature wherein also he had obtained money from those complainants on the pretext of sending them abroad.

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

5. The petitioner has been in custody since 26.09.2023 in a Magisterial trial; trial is unlikely to conclude in the near future as charges have not yet been framed and are likely to be framed only on the next date of hearing before the trial Court i.e. on 15.03.2024.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. .

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

06.03.2024

Aman Dua

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No