

2024/PHHC 062620



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

211

CRM-M-5813 of 2024

DECIDED ON: 4th July, 2024

Narender Singh

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: None for petitioner.

Mr. Surender Singh Pannu, Addl. AG Haryana.

SANDEEP MOUDGIL., J (ORAL)

Prayer in the present petition filed under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.244 dated 19.09.2022, registered under Sections 406, 420, 467, 468, 471, 120-B IPC and Section 24 of the Immigration Act, at Police Station Guhla, District Kaithal.

2. On a complaint submitted by one Harvinder Singh, the present FIR was registered. The allegation was that complainant Harvinder Singh was given assurance by certain persons namely Dayanand, Rajesh Kumar, Rameshwar Dass etc. that he would be sent to the United States of America and a deal was struck for Rs.45,00,000/-. Rs.29,50,000/- is alleged to have been paid in cash and a cheque of Rs.5,00,000/- is also stated to have been given. Rakhi co-accused was subsequently named in a disclosure statement given by co-accused Amarjit @ Gautam. Accordingly, the petitioner was



3. Charges were framed on 9.8.2023 and out of total thirty-eight prosecution witnesses, none has been examined so far; trial will take a sufficiently long time and, therefore, no useful purpose would be served by keeping the petitioner in custody any longer. Learned counsel for petitioner claims parity with co-accused Rakhi.

4. On the other hand, learned counsel representing the respondent-State of Haryana, has produced the custody certificate which is taken on record and on instructions opposes the bail application stating that as per the disclosure statement, a sum of Rs.10,00,000/- came to the share of the present petitioner.

5. Admittedly, the petitioner was not named in the FIR. Whether the petitioner was actually involved or not shall be determined at the stage of trial. His name was disclosed by the co-accused in his disclosure statement. The petitioner is in custody for the last more one year i.e. since 28.1.2023. The trial will still take sufficiently long time and in the considered opinion of this Court, no useful purpose would be served by keeping the petitioner in custody any longer.

6. In view of the aforementioned facts and circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Kaithal.

4th July, 2024
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(SANDEEP MOUDGIL)
JUDGE