

2024:PHHC:130926



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-8728-2024 (O&M)
Date of decision: 01.10.2024

Amrit Singh Sohal @ Sukhi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. GPS Ghumman, Advocate for the petitioner.

Mr. Kanav Singla, AAG, Punjab.

Mr. Atul Aggarwal, Advocate for the complainant.

VIKAS SURI, J.

FIR No.	Dated	Section/s	Police Station
8	21.01.2020	420, 406, 120-B IPC and Section 24 of Immigration Act (201 IPC added later on)	Sadar Khanna, District Ludhiana

VIKAS SURI, J.

1. This second petition under Section 439 Cr.P.C. has been filed by the petitioner seeking grant of regular bail in the above captioned FIR.
2. The facts in brief are that Sukhchain Singh, Sarabjit Singh



and Harinder Singh have levelled allegations of having been cheated of lakhs of Rupees by the accused on the pretext of sending them abroad. It has been alleged that Baldev Singh is relative of one of the complainants, namely Sarabjit Singh, who told him about the petitioner and thereafter Sarabjit Singh spoke with Sukhchain Singh and Harinder Singh, who wanted to go abroad and fixed a meeting at the house of Baldev Singh. It is further alleged that meeting happened at the house of Baldev Singh and a deal was struck at Rs.16 lakh each for sending them abroad (Canada) on work visa; Rs.8 lakh each was to be paid in advance and the balance Rs.8 lakh each on reaching Canada. It is alleged that in March 2019, an amount of Rs.2 lakh each was paid by Sukhchain Singh and Sarabjit Singh and thereafter, another Rs.2 lakh each was paid by them to accused. It is further alleged that subsequently in November 2019, Sukhchain Singh and Sarabjit Singh paid an amount of Rs. 4 lakh each while Harinder Singh paid an amount of Rs.5 lakh. It is further alleged that the petitioner and his associates in connivance with each other extracted Rs.26 lakh but they neither returned the amount nor sent them to Canada.

3. Learned counsel for the petitioner has argued that petitioner has been falsely implicated and is not involved in any other case. The offences alleged are triable by Magistrate. The petitioner was arrested on 03.03.2023 and since then is behind bars. Co-accused Kulwinder Singh has been granted the concession of anticipatory bail by this Court and co-accused Baldev Singh by the Court below. It is further submitted that



investigation is complete and additional challan under Section 173(8) Cr.P.C was presented before the trial Court on 14.03.2023. The charge was framed on 23.07.2024. The prosecution has cited 20 witnesses but no prosecution witness has been examined so far and the trial would take long time to conclude. No recovery has been effected from the petitioner and no purpose would be served by keeping the petitioner incarcerated for an indefinite period.

4. Per contra, learned State counsel opposing the petition has submitted that petitioner has been named in the FIR and the money is alleged to have been handed over to him. The factual aspect has not been disputed while conceding that as per custody certificate dated 30.09.2024 produced in Court during hearing, petitioner has undergone actual period of 01 years 06 months and 24 days and is not involved in any other case.

5. Mr. Atul Aggarwal, Advocate appearing on behalf of the complainant has vehemently opposed the petition. It is submitted that petitioner is the main accused and in case released on bail, he is likely to flee the country and would abscond from the trial.

6. I have considered the rival contentions addressed and perused the record.

7. Keeping in view the aforesaid; the period of incarceration as under trial; and the peculiar facts and circumstances of this case besides the fact that allegations are yet to be proved during trial, without commenting upon the merits of the case, the present petition is allowed.



The petitioner is ordered to be released on bail during the pendency of trial, on his furnishing bail-bond and two heavy sureties to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i). The petitioner will not tamper with the evidence during the trial.
- (ii). The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii). The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (iv). The petitioner shall not in any manner misuse his liberty.
- (v). The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (vi). The petitioner shall not leave the country without prior permission of the trial Court and would submit his passport with the trial Court for the period this condition remains in force.



(vii). The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case.

October 01, 2024
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No