

CRM-M-9706-2024
Date of decision: 28.02.2024

...PETITIONER

V/S

...RESPONDENT

Present: Ms. Divya Gulati, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (ORAL)

The instant petition filed under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner, in case bearing FIR No.121 dated 24.04.2021 registered under Section 420 IPC and Section 13 of Punjab Travel Professionals Act, 2014 at Police Station Ranjit Avenue, District Amritsar.

2. The present FIR was registered on the complaint made by one Raminder Singh, on the allegations that he was desirous of obtaining permanent residency for Canada and for that purpose, he came across an advertisement posted by the petitioner on his facebook account, in this regard and in the month of February 2018, the complainant approached the petitioner, who informed him that he can procure different kinds of VISAs and on his assurance, the complainant paid Rs.3,90,000/- to the petitioner on different occasions and on 09.09.2020, the complainant had received a communication that his invitation to apply for express entry into Canada, had expired and complainant came to know that the amount deposited by him, in the account of the petitioner, was usurped by him and he has failed to do the requisite

documentation and the complainant lost the golden opportunity of obtaining permanent residency of Canada. Thereafter, when the complainant demanded his money back, a cheque of Rs.2,00,000/- was issued by the petitioner with the assurance that it will be encashed on its presentation, however, the cheque was dishonoured with the remarks “insufficient funds”.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is an honest businessman. The invitation to apply for express entry into Canada had expired, due to the closure of immigration services, during the Corona pandemic period and petitioner has been involved in 04 more cases of similar nature with regard to same period when the Corona pandemic was at peak. The investigating agency has already concluded the investigation.

4. Per contra, the learned State counsel has produced the custody certificate and on instructions from ASI Jaswinder Pal, opposes the prayer of grant of regular bail to the petitioner on the ground that petitioner is a habitual offender as he is involved in 04 more cases of similar nature.

5. Having heard the learned counsel for the parties and after perusing the record of the case, it transpires that petitioner is behind the bars since 21.10.2023. The investigating agency has already concluded the investigation and submitted the final report under Section 173 Cr.P.C. on 23.12.2023 and out of total 16 witnesses cited by the prosecution, none has been examined so far. Culpability, if any, would be determined at the time of the trial. No useful purpose would be served by further detention of the accused-petitioner. Keeping the petitioner in further detention, without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

6. Keeping in view the law laid down by the Hon’ble Supreme Court of India in ‘**Prabhakar Tewari Vs. State of U.P. and another**’ 2020 (1) R.C.R.

(Criminal 831) and '*Maulana Mohd. Amir Rashadi Vs. State of U.P. and Another*', 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

7. Keeping in view the facts and circumstances of the case, the present petition is allowed without commenting upon the merits of the case lest it may prejudice the outcome of the trial and the petitioner-Puneet Kumar Dhanotra is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

February 28, 2024
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |