



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-18698-2024
Date of decision: May 22nd, 2024

Manpreet Singh
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manish Verma and Mr. Amarsh Dudeja, Advocates
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.165 dated 11.12.2023 under Section 24 of Immigration Act read with Section 420, 120-B of the IPC registered at Police Station Meharban, District Ludhiana.

2. At the outset, learned counsel for the petitioner has drawn the attention of this Court to the allegations levelled in the FIR in question, which has been annexed as Annexure P-1. He submits that a perusal of the same reveals that there is no specific allegation levelled against the petitioner of having given any undertaking to the complainant or having lured him into parting with money on the pretext of sending him to U.S.A. Learned counsel submits that the only role attributed to the petitioner is that an amount of ₹13 lakh was deposited in his account, which as per him, had been deposited on the asking of prime accused Jaswinder Singh, cousin of the petitioner and was

subsequently transferred into the account of the prime accused Jaswinder Singh. Learned counsel has also asserted that the petitioner has no criminal antecedents much less being involved in any other similar case. It has also still further been urged by the learned counsel that since the investigation in the present case is complete and challan stands presented, his further incarceration would serve no useful purpose as the possibility of the trial concluding in the near future looks bleak inasmuch as eight witnesses have been cited by the prosecution and till date, even the charges have not yet been framed.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Surjeet Singh, has not been able to dispute that the alleged undertaking and allurement to send the complainant abroad had been given by co-accused Jaswinder Singh, however, learned State counsel has reiterated that an amount of ₹13 lakh had been deposited in the bank account of the petitioner.

4. On a pointed query, learned State counsel has also not disputed the stage of the trial and has further submitted that the next date fixed before the trial Court is 03.06.2024 when the charges are likely to be framed. On a further query put to the learned State counsel, he on instructions, has not controverted that the petitioner is not involved in any other criminal case.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The petitioner has been in custody since 28.12.2023. There is no likelihood of the trial concluding in the near future. In the facts and circumstances as enumerated hereinabove, 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.

May 22nd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No