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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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Date of decision : August 22, 2024

Ranjit Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Gursimran S. Bawa, Advocate, for the petitioner
Mr. Sahil R. Bakshi, AAG, Punjab

KULDEEP TIWARI,J. (ORAL)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.198 dated 12.10.2023, Under Sections 370-A, 370-A(1), 370-A(2) IPC, Section 13 of Punjab Prevention of Human Smuggling Act, 2012, Section 12 of Passports Act, 1967 and Section 14 of Foreigner Act, 1946, registered at Police Station Gharinda, District Amritsar (Rural).
2. In the instant case, the allegations are that 11 persons, who are citizens of Bangladesh entered into the Indian Territory, and when they were trying to cross into the Pakistan border to enter into Pakistan, they were arrested by the Border Security Force. The instant FIR was registered on the basis of letter No. OPS/FCOY/168/FIR/2023/324 dated 12.10.2023,

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submitted by Inspector Yoginder Singh G-COY 168 BN, stating therein:-

“that on 12.10.2023 at about 03:55 AM, ASI Ravinder Singh was deployed at ICP main gate, where he noticed movement of suspected persons near the roundabout approximately 35 meters from ICP main gate and he immediately informed the nearby sentries HC PN Bhai of morcha No. 1 and directed him to inform HC Mahender Singh deployed at Morcha No. 2 regarding the suspected movement. He further stated that HC Mahender Singh immediately got down from the morcha and found that some suspected persons were lying near the perimeter road in the low lying area under the cover of darkness and wild growth, who were apprehended by HC Mahender Singh and HC P.N Bhai and the aforesaid information was immediately shared with him, who reached at the spot and took the custody of eleven persons (05 males, 2 females and four children out of which there was one female and three males). He further stated that during the initial interrogation, the aforesaid accused revealed that in the intervening night of 11/12.10.2023, they illegally entered the ICP premises by cutting the four horizontal barbed wires over the perimeter wall and jumped inside the ICP premises and they hid themselves in the low lying area under the trees and exiting towards ICP main gate. They further disclosed that they were helped by Indian touts namely Suman, Asadul Mandal and Babu to enter India illegally from Bangladesh and thereafter, they came in contact with Ranjit Singh (petitioner), who along with an unknown local had helped them to enter in ICP Attari by cutting the fence and he took Rs. 25,000/- from them on the pretext of crossing them to Pakistan. He further stated that names of the aforesaid apprehended persons are Mohammad Sanoor Ali, Allahudin, Khaled Hussain. Mimar Miya, Ismile Hussain, Rajna Begum, Mainah Begum, Nazmim, Tamim, Jomir Ali and Faim.”

3. During investigation, on the basis of disclosure statements

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suffered by the arrested Bangladeshi nationals, to the effect that they were helped by Indian Touts, namely Suman, Asadul Mondal, and Babu, to enter into Indian Territory, in an illegal manner, from Bangladesh, and thereafter, they came into contact with the present petitioner, who along with two unknown brokers, helped them to enter into the Integrated Check Post (ICP), at Attari, by cutting the Border fence, after taking Rs 25,000/- from them, on the pretext of dropping them to Pakistan.

4. Learned counsel for the petitioner in asking for the relief of regular bail, submits that the petitioner has suffered incarceration of 10 months and 05 days, as on today, and the trial is not likely to conclude in near future. He further submits that the only incriminating evidence with the prosecution, as on date, is the disclosure statement of co-accused i.e. Bangladeshi nationals, and except that, there is nothing on record which could connect the present petitioner with the instant crime.

5. Short reply dated 21.8.2024, by way of affidavit of Sh. Lakhwinder Singh, PPS, Deputy Superintendent of Police, Sub Division Attari, Amritsar as well as custody certificate qua the petitioner are filed today in Court, by the learned State counsel, and the same are taken on record.

6. Learned State counsel opposed the grant of regular bail, and submits that the petitioner has committed serious offence, as the petitioner has helped the Bangladeshi nationals to enter Indian territory, and further



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helped them to cross the Indo-Pakistan border. He further informed this Court that out of total 16 witnesses cited by the prosecution in final report, none has been examined so far.

7. Nevertheless, without going into the merits of the case, and considering the period of incarceration, and the alleged role of the present petitioner, and the fact that he is having clean antecedents, this Court is of the view that the petitioner deserves the relief of regular bail. Therefore, the present petition is **allowed**.

8. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

August 22, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No