



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-26973-2024 (O&M)
Date of Decision:- 06.09.2024

HARKANWAL SINGH @ HARKAMAL SINGH
....Petitioner(s)
Versus
STATE OF PUNJAB
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Arnav Sood, Advocate for the petitioner.
Mr. Adesh Pal Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

Short reply dated 05.09.2024 filed in the form of an affidavit of Deputy Superintendent of Police, Sub Division Dasuya, District Hoshiarpur, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

- 2. Arguments heard.
- 3. The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
141	18.07.2023	420 IPC; 13 of the Punjab Travel Professionals (Regulation) Act, 2014; 24 of the Emigration Act, 1983	Dasuya, District Hoshiarpur



4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner had never agreed or asked the complainant for sending his son to America. He contends that in fact, it was agreed to send his son to Dubai and he was accordingly sent there on 10.04.2021 from where he returned back on 29.10.2021. He submits that petitioner had not received any amount and the entire version has been fabricated by the complainant. He further submits that challan has already been presented in the Court and he is not required for further investigation, thus prays for grant of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the short reply submitted by the State has assailed the arguments advanced by learned counsel for the petitioner by submitting that the petitioner had taken ₹4,00,000 for sending his son to America via Dubai. However, when his son reached Dubai, the petitioner did not make any effort for sending his son to America as agreed and as such, the son of the complainant had to return back to India. It is submitted that the petitioner had defrauded the complainant and as such he does not deserve the concession of bail.

6. After considering the rival contentions and perusing the record, it transpires that as per the complainant, the petitioner had agreed to send his son to America and the deal was struck for ₹25 lakhs out of which ₹4 lakhs were paid to the petitioner and his son was sent to Dubai. The petitioner did not make any effort for sending his son to America and as such the son of the complainant had returned back in October 2021. Admittedly, the



petitioner was arrested on 30.03.2024 and since then he is in custody. After the completion of investigation, challan has already been presented in the Court and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

06.09.2024
S.Sharma(syr)

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