



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.29282 of 2024
Date of Decision: 05.08.2024

Gurmukh Singh @ Gerry ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajesh Bhatheja, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

Mr. N.S. Dandiwal, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
663	22.09.2023	Sadar Thanesar, District Kurukshetra	406, 420 and 506 of IPC and 10 and 24 of Immigration Act, 1971

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a written complaint lodged by the complainants Satbir and Sunil against the petitioner and co-accused Balwinder Singh Gill, Karamjeet Kaur, Vishawajeet Gill, Bunty, Amrit Pal and Dhaliwal making

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allegations that the petitioner and co-accused on the pretext of sending their relatives/acquaintances namely, Nitin Kumar, Swan, Sachin and Surender to United State of America had extracted an amount of Rs.1,17,25,750/- from them and the above named victims by taking money from them on different dates. They had demanded an amount of Rs.40 lakhs for each of the person who were assured to be sent to USA. The accused Balwinder Singh in connivance with the petitioner and other accused got transferred different amounts of money in their respective bank accounts. Assurance was given to the victims that the present petitioner would take Sawan along with him to Thailand and from Thailand, he would make arrangement for sending Sawan directly to USA. On 27.09.2022, the petitioner had asked for an amount of Rs.10 lakhs for the purpose of sending them to Thailand that had been given on 29.09.2022. However, none of the above named boys was sent to the USA by the petitioner and co-accused and they misappropriated the money so paid by the victims and the complainants, to them in connivance with each other. After registration of FIR, investigation proceedings were initiated. The present petitioner was arrested on 26.03.2024. He moved an application for grant of regular bail which was dismissed by the Court of learned Additional Sessions Judge, Kurukshetra on 24.05.2024.

3. It is argued by learned counsel for the petitioner that he is in custody since 26.03.2024. The subject offences are triable by Magistrate. A compromise has been arrived at between him and the complainants whereby he has undertaken to give them an amount of Rs.11 lakhs in order to maintain his mental peace. The allegations against him are false. The

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investigation and trial are likely to take time. No useful purpose would be served by detaining him in custody. As such, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by the respondent-State. In terms of this report, it is argued by learned State counsel that in view of severity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of regular bail.

5. On the other hand, learned counsel for the complainant has affirmed that a compromise has been arrived at between the petitioner and the complainants and has submitted that the complainant has no objection in allowing this petition.

6. I have heard learned counsel for the parties at considerable length and have gone through the record.

7. The petitioner in connivance with the co-accused is alleged to have defrauded the complainants and victims Nitin Kumar, Sawan, Sachin and Surrender on the pretext of sending them to United States of America and along with the co-accused is alleged to have extracted huge amount of money from them. The petitioner has placed on record Annexure P-4 a copy of a compromise deed shown to have been made executed between the complainants and himself thereby agreeing to pay an amount of Rs.11 lakhs to them. Though no consideration can be given to this compromise deed at this stage by this Court while deciding the petition for grant of regular bail to the petitioner, however, since it has also been submitted by learned counsel for the complainant that the entire amount of Rs.11 lakhs which was infact

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taken by the petitioner from the complainants has been returned to them and complainants have no serious objection with regard to allowing of this petition, therefore, keeping in view this fact coupled with the period of incarceration of the petitioner and the fact that the subject offences are triable by Magistrate but without meaning to make any comment on the merits thereof, I allow this petition and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

05.08.2024
manju/Parveen Sharma

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No