



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

206

CRM-M-38712-2024
Date of Decision : **November 29, 2024**

MANPREET SINGH

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Akash Mehta, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

Mr. P.P.Singh, Advocate
for the complainant.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner prays for grant of regular bail in case FIR No.471 dated 26.7.2023, Under Sections 406, 420 of IPC and under Sections 10, 24 of the Immigration Act, registered at Police Station Shahabad, District Kurukshetra.
2. The facts of the case, which are culled out by the learned Additional Sessions Judge, Kurukshetra, while declining the relief of regular bail, are extracted hereinafter for the apt disposal of the instant petition:-

*“On 31.5.2023, a complaint was received for taking legal
action against accused Manpreet Singh and Shyam Sunder with*

the allegations regarding cheating by them. It has been mentioned in the complaint that the complainant was interested in sending his son Kamarpal to abroad and accused Shyam Sunder told him that he knows certain agents who can send his son to America and he can get a meeting fixed for the said purpose. After that, agent Manpreet met him who was accompanied with Shyam Sunder and on 20.07.2022, a deal was struck for sum of Rs.48,00,000/- for sending his son of the complainant to America. In pursuance of said deal, various amounts were paid by the complainant to the accused persons, however, neither the son of the complainant could be sent to America nor the accused returned the money of the complainant. It has been further mentioned that the son of the complainant was sent by the accused to various European countries, however, on 27.08.2022, the son of the complainant along-with some other persons were apprehended by the police of Austria and later on he was released. Thereafter, the son of the complainant finally managed to reach Indian Embassy at Portugal from where he was given permission to come back to India, however, on account of lack of funds, he could not arrange ticket and the same was got arranged from the friend of son of complainant namely Amarinder Singh from Canada. With these allegations, the complainant requested to take action against the accused.”

3. A perusal of the above reflects that the allegations against the present petitioner are that he duped the complainant for Rs.45.5 lacs on the pretext of sending the son of the complainant abroad whereby, he was taken to a different countries via *Dunki* routes, however, he never reached America as assured by the accused person.

4. Learned counsel for the petitioner in the asking for the relief (supra), submits that at this stage, he is not touching the merit of the present case, rather his main thrust for seeking the relief of regular bail is that the



petitioner has suffered incarceration of more than 8 months as on today, and the trial is yet to begin. He further submits that all the offences in the FIR (supra) are triable by the Court of the learned Judicial Magistrate 1st Class concerned and further the petitioner is not involved in any other case and he is a man of clean antecedents.

5. Per contra the prayer made by the learned counsel for the petitioner has been vociferously opposed by the learned State counsel assisted by the learned counsel for the complainant. Learned counsel for the complainant, submits that the petitioner has adopted most inhuman way to take the son of the complainant through different countries. He further submits that it is a worse case of human trafficking, therefore, he does not deserve the concession of regular bail. He also draws the attention of this Court towards the bank transaction, which is of about 25 lacs, which never got recovered, even at the time of arrest of the present petitioner.

6. The learned State counsel on instructions imparted to him by the official concerned, submits that in the instant case the investigation was completed, and the final report was filed on dated 14.5.2024, and thereupon the learned trial Court concerned has framed charges on dated 18.9.2024, and the prosecution has cited total 17 witnesses in the final report, but till date no prosecution witness has been examined.

7. Be that as it may, considering the fact that all the offences under which the petitioner is facing trial are triable by the Court of the learned Judicial Magistrate 1st Class concerned and the petitioner



has suffered incarceration of more than 8 months, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. 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.

November 29, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No