



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

298

CRM-M-53797-2024

Date of decision: 06.11.2024

Jaswinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gulzar Mohammad, Advocate
for the petitioner.

Mr. T.P.S. Walia, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.165 dated 11.12.2023 under Sections 24 of the Immigration Act and Sections 420, 120B of the IPC registered at Police Station Meharban, Ludhiana.

2. Learned counsel for the petitioner submits that a false and fabricated case has been planted upon the petitioner for allegedly luring the complainant into parting with an amount of Rs.40 lakhs on the pretext of sending him and his family to the USA. It has been submitted that the alleged amount of Rs.40 lakhs was allegedly paid to the petitioner as well as co-accused Manpreet Singh, who has since been extended the concession of bail by the learned Trial Court. Learned counsel has asserted that since investigation in the present case is complete and challan also stands presented, further incarceration of the



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petitioner would serve no useful purpose as there can be no apprehension of the petitioner tampering with evidence since the entire case of the prosecution is based on documentary evidence.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed that the identically placed co-accused have since been extended the concession of bail by the learned Trial Court; however, it has been submitted that the petitioner cannot claim parity with the co-accused, who have since been extended the concession of bail, since the petitioner is involved in two other criminal cases although the allegations in those two cases are distinct from the allegations levelled in the FIR in question. The status of the trial as well as the custody period of the petitioner has not been disputed by the learned State counsel on instructions.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 13.08.2024 in a case triable by Magistrate. Investigation is complete as challan stands presented. As not disputed, the entire case of the prosecution hinges on documentary evidence which is already part of the challan. Hence, there is no possibility of the petitioner tampering with material evidence. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the



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satisfaction of the Trial Court/Duty Magistrate concerned. 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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

06.11.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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