

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

210

CRM-M-61661-2023 (O&M)  
Date of Decision:- 04.01.2024

SUKHRAJ SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJIV BERRY**

Present : Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Harpreet Singh, Additional AG Punjab.

.....

**SANJIV BERRY, J. (ORAL)**

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

| FIR No. | Dated      | Sections                                                                       | Police Station                              |
|---------|------------|--------------------------------------------------------------------------------|---------------------------------------------|
| 79      | 05.08.2023 | 420, 120-B IPC;<br>13 of the Punjab Travel Professional (Regulation) Act, 2014 | Kathu Nangal,<br>District Amritsar<br>Rural |

2. Short reply dated 04.01.2024 filed in the form of an affidavit of Deputy Superintendent of Police, Sub-Division Majitha, Amritsar (Rural) is taken on record.
3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He submits that the petitioner is serving in the Army and has no concern with the alleged transaction and has been in custody since 22.08.2023. He

submits that challan has been presented in the case, however, the trial Court has yet not framed the charge. He thus prays for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel submits that the petitioner has allured the complainant for sending him abroad and had taken the amount from him and as such he is not entitled to the concession of bail considering the nature and gravity of offence.

5. Heard.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered at the instance of Jarmanjit Singh S/o Harjeet Singh alleging that the wife of the petitioner Harpreet Kaur was running an immigration office and allured him to send him abroad and on this pretext the complainant deposited Rs.1,00,000/- in the account of the petitioner, while Rs.10,50,000/- were taken by Davinder Singh. Accordingly, the FIR was registered and the petitioner was arrested on 22.08.2023. Since then, the petitioner is in judicial custody.

7. Admittedly, after the conclusion of investigation, challan has been presented in the Court and the petitioner being in judicial custody is no more required for further investigation. The conclusion of trial in the present case, triable by a Magistrate, will take sufficient long time and admittedly even the charge has not yet been framed as of now. The criminal liability, if any, of the petitioner, could only be ascertained after the conclusion of trial and no purpose would be served by detaining the petitioner in custody any longer.

8. In view of the above, 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/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.

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

(SANJIV BERRY)  
JUDGE

04.01.2024  
S.Sharma(syr)

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