



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 63649 of 2023 (O&M)
Date of Decision: 20.05.2024

Harpreet Singh @ Happy

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. P.K.S. Phoolka, Advocate,
for the petitioner.

Mr. Karunesh Kaushal, Assistant Advocate General, Punjab

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No.0052, dated 06.05.2023, under Sections 420 & 120-B of IPC and Section 24 of Immigration Act, registered at Police Station SGN Dev Thermal Plant, Bathinda, District Bathinda.

[2] As per allegations, the petitioner in connivance with co-accused duped the complainants for sending them abroad, while cheating them for Rs. 2.65 Crores.

[3] Learned counsel for the petitioner submits that the petitioner is in custody since 04.09.2023 and has been falsely implicated in the present FIR. He further submits that similarly placed co-accused, namely, Manjinder Singh (brother-in-law (*Saala*) of petitioner's brother), has already

been granted the concession of regular bail by learned Additional Sessions Judge vide order dated 05.01.2024; thus, prayer is for regular bail to the petitioner on parity basis.

[4] Learned State counsel vehemently opposes the prayer made on behalf of the petitioner, while submitting that the petitioner was actively involved with the functioning of GSH Group Immigration Service Office and even a sum of Rs. 15,66,150/- were received in his bank account(s), out of which, Rs. 12 lakhs was transferred in the account of GSH Group Immigration Service Office. He further submits that two of the co-accused, namely, Harwinder Kaur and Gurpreet Singh, have left India and in case the petitioner is granted the concession of regular bail, then he could too flee from India; thus prayer is for declining the prayer of bail made on behalf of the petitioner.

[5] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

[6] In the present case, investigation stands concluded with the filing of challan, followed by framing of charges and the petitioner is behind the bars since 04.09.2023, i.e. for the past more than eight months and the conclusion of trial may take some time. Also, similarly placed co-accused- Manjinder Singh, who happens to be brother-in-law (*Saala*) of petitioner's brother has already been granted the concession of regular bail by the Court of learned Additional Sessions Judge, Bathinda vide order dated 05.01.2024. In view thereof, this Court does not find justification to extend the incarceration of the petitioner any further.

[7] In view of the above, but without commenting upon merits of the present petition, the same is allowed. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned.

[8] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

May 20, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>