

CRM-M-2166-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2166-2025
Reserved on: 03.04.2025
Pronounced on: 21.04.2025

Kawarbir Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aman Raj Bajwa, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
251	09.06.2023	Goindwal Sahib, Distt. Tarn Taran	420, 406, 120B, 370 & 201 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. As per paragraph 20 of the bail petition as well as custody certificate dated 02.04.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	250	09.06.2023	420/120B/370 IPC	Goindwal Sahib

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the true facts leading to the present case are that the complainant namely Harpreet Singh son of Hardev Singh, resident of Rahal Chahal, Tehsil Khadur Sahib, District Tarn Taran Singh moved a representation bearing No.3768-DPO dated 01.12.2022 before the Senior Superintendent of Police, Tarn Taran by leveling allegations to the effect that the accused Harbhinder Singh visited his house and proposed his father to send him to America. On 13.10.2022, the complainant handed over his original

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passport, pan card, Aadhaar card along with other documents and Rs.5 lacs/- to the accused in the house of the accused. Subsequently, the accused arranged Indonesia's visa for the complainant. Accordingly, on 16.10.2022, the complainant reached Indonesia where the petitioner/accused namely Kawarbir Singh and his cohorts were present who abducted the complainant and snatched the dollars with the complainant which were equivalent to Rs.1,50,000/-, and they also thrashed the complainant. At gun point, they made the complainant call up his family member and under threat they made him inform his family members that he had reached America. Thereafter, all the accused obtained R.34,00,000/-, from the family members of the complainant. When the communication between the complainant and his family members completely snapped, they grew anxious and firmly inquired from the accused upon which the accused got arranged the return flight of the complainant from Indonesia on 23.10.2022.

That it is submitted that the preliminary enquiry pertaining to the above said representation was conducted by the Deputy Superintendent of Police, Sub-Division Khadur Sahib, Camp at Goindwal Sahib, District Tarn Taran and after conducting preliminary enquiry, the allegations leveled by the complainant against the petitioner as well as co-accused were found to be true and the enquiry officer recommended to register case against the petitioner as well as co-accused and the findings of the enquiry officer were duly approved by the Senior Superintendent of Police, Tarn Taran and in the pursuance of which, the present case FIR No.251 dated 09.06.2023, under section 420/120-B of IPC has been registered at Police Station Goindwal Sahib, District Tarn Taran against the petitioner namely Kawarbir Singh as well as co-accused namely Harpinder Singh. During investigation, the offence under section 370 IPC has also been added in the present case vide DDR No.39 dated 17.06.2023.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
5. The State's counsel opposes bail and refers to the reply.
6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“ROLE OF THE PETITIONER:

9. That as far as role of the petitioner is concerned, it is submitted that the petitioner has committed the serious offence as when the petitioner along with co-accused have cheated the complainant and has put the life of the complainant and many others like him in peril in a foreign land causing unquantifiable distress to the family members of the complainant. So, the conduct of the petitioner is indicative of hideous human trafficking racket which was being run by the petitioner along with co-accused. As such, taking into view the enormity of the offence and possibility of intimidating witnesses and absconding in case he is released on bail, he is not entitled for the concession of regular bail.”

REASONING:

7. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per the custody certificate dated 02.04.2025, the petitioner’s total custody in this FIR is 11 months & 03 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.
8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:
- | | | |
|----|--|--|
| 1. | AADHAR number | |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. | |
| 3. | Mobile number (If available) | |
| 4. | E-Mail id (If available) | |
11. This order is subject to the petitioner’s complying with the following terms.
12. The petitioner shall abide by all statutory bond conditions and appear before the

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concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any similar offence or the offence in which sentence is more than three years, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

21.04.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.