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

**CRM-M No.11201 of 2025
Date of Decision: 01.05.2025
Reserved on: 29.04.2025**

Brij Bhushan @ Brijesh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Pragyat Bhardwaj, Advocate,
for the petitioner.

Mrs. Sheenu Sura, DAG, Haryana,
for the respondent-State.

Mr. Nikhil Mittal, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") by the petitioner for grant of regular bail in case arising out of FIR No.255 dated 26.10.2023 registered under Section 24 of Immigration Act and Sections 370, 406, 420 and 506 of IPC at Police Station Naggal, District Ambala. His previous petition had been dismissed as withdrawn.

2. As per the allegations, the complainant Raj Kumar was introduced by his acquaintance Subhash Chand with accused Dalbir Singh who had represented to the complainant that he along with the present petitioner was involved in the business of sending people abroad

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and could send him there. On being so induced by the accused Dalbir Singh to send him to South Korea on spending a sum of Rs.6 lakhs, he had given his consent. The petitioner and accused Dalbir Singh had taken a sum of Rs.33,000/-, his passport and other documents for the purpose of initiating proceedings for sending him abroad. However, due to outbreak of Covid, lockdown had been declared. Then in August 2021, the petitioner and co-accused Dalbir Singh allured the complainant to send him to Ukraine on his spending a sum of Rs.5.5 lakhs. On 02.11.2021, the petitioner called him and by showing that his visa for Ukraine had been issued, he told the complainant to transfer an amount of Rs.1 lakh in his bank account. He also made the complainant transfer different amounts of money from his bank account. Air ticket for Ukraine was issued in the name of the complainant but the petitioner and co-accused Dalbir Singh got it cancelled after some days and then induced the complainant to part with more money on the pretext of sending him to USA. The petitioner was sent to Ethiopia but was called back. He was sent to Bombay and then to Abu Dabi. He was sent to some other countries but after short stay, he was depoted. Ultimately, he was sent to Morocco but was deported from that country also. The petitioner and co-accused in this manner cheated him and caused wrongful loss to him. They had even failed to not return his PAN Card and Passport. On this complaint, the aforementioned FIR was registered. Investigation proceedings were initiated. The petitioner was arrested on 08.04.2024. He was interrogated and suffered disclosure staetment admitting his involvement in

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the crime and got recovered sum of Rs.8,000/-. Dalbir Singh named as co-accused was found to be innocent. Investigation qua the petitioner stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. The subject offences are triable by Magistrate. The trial would take considerable time to conclude. His further detention will not serve any useful purpose. He is on bail in the cases which are pending against him. Accordingly, it is urged that he deserves to be released on bail.

4. Status report has already been filed. Learned Deputy Advocate General, Haryana assisted by learned counsel for the complainant has argued that the petitioner is a habitual offender since other cases of similar nature are pending against him. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have induced the complainant to part with a sum of Rs.25 lakhs on the pretext of sending him to South Korea and then to USA. During the intervening period, the complainant was sent to some other countries but was deported therefrom. The offences for which he has been booked and challanced are triable by Magistrate. The trial would take time to conclude. He has been acquitted in one of the cases registered against him and is on bail in most of the other cases as lodged against him.

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His involvement in other cases cannot be considered to be the sole ground for denying benefit of bail to him. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the period of his incarceration, the fact that trial would take time and the above discussed facts and circumstances but without meaning to make any comment on the merits of the case, this Court is of the opinion that his further detention as an undertrial is not warranted.

7. In view of the above, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. However, in addition to the conditions that may be imposed by the concerned trial Court/Duty Magistrate upon him, he shall remain bound by the following conditions:-

- (i) The petitioner shall not misuse the liberty granted.
- (ii) He shall not tamper with evidence during trial.
- (iii) He shall not commit any offence while on bail.
- (iv) He shall deposit his passport if any, with the trial Court.
- (v) He shall give the details of his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell phone number without prior permission of the trial Court/Duty Magistrate.
- (vi) He shall not in any manner try to delay the trial.

8. It is clarified that in case of breach of any of the aforementioned

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conditions and those that may be imposed by the Court concerned as directed hereinabove or upon showing any other sufficient cause, the State shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

01.05.2025
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(MANISHA BATRA)
JUDGE

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