



1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.58 dated 18.05.2023 registered under Sections 406, 420, 467, 468, 471 of IPC and Section 13 of Punjab Prevention of Human Smuggling Act 2014 & Section 24 of Immigration Act, 1983, at Police Station Sadar Pathankot, District Pathankot.

2. The FIR in the present case was registered on the basis of the complaint made by Kulwant Raj and the same has been reproduced below:-

‘‘To, SSP, Pathankot Subject:- Complaint against Jasbir Singh Jassi (Mob, No. 6284396280, 9310564896) r/o village Narot Mehra and his brother- in-law Anil Jasrotia and sister name unknown w/o Anil Jasrotia r/o village Gatora Tehsil District Pathankot regarding cheating of huge amount in the pretext of sending abroad the applicants and on asking it, they given beatings and threatenings. Sir, regarding the above subject matter, it is requested that we Kulwant and Loka Ram s/o Sri Dayal Chand s/o Sri Gian Chand, Subhash Chander s/o Hans Raj r/o village Sama Nehar and Dayal Chand s/o Sri Nand Lal r/o Shelli Kulian Pathankot we are fullfillig our two time needs by doing hard work of labourer. Our sons Vishal Bhagat, Arun Kumar, Nitin and Pradeep Kumar are educated and unemployed and above said Jabir Singh @Jassi r/o of village Narot Mehra contacted us and took from each of us Rs.5,00,000 for sending our above said sons to abroad Argentina, totaling Rs. 20,00,000 taken cash as well as through bank transaction and also taken the birth certificates and original passports of our above said four sons. Jabir Singh through his bank account number-920010070812738 (Axis Bank, Pathankot) also collected a total amount of Rs. 5,00,000/- from us on different dates and the copies of bank transaction are attached herewith. Jasbir Singh @ Jassi took most of the money through his sister and brother-in-law and his brother-in-law and sister given firm assurances that they will send your sons abroad along with Jasbir Singh but instead of giving us the original visa, they sent us visa through WhatsApp, the copies there of are attached herewith. All these have been proved to be fake after enquiry and our sons have suffered a lot. We have contacted them many times and requested them to refund our money but it is being delayed for a long time. We have a recording clip of the

audio recording of the conversation about our payment and acceptance of the refund which can be produced if required. Now these three have become adamant about not returning our money and are threatening to do whatever you want to do and further they have not estopped here, on 17-04-2023, these three accused called us at their house at Gatora as part of the conspiracy. They have taken Subash Chander into their room and given severe beatings to him and threaten us. It is requested that we also fell into his trap and he assured me that he will arrange job of computer operator for you in the country of Cambodia and the salary would be equal to indian rupees 80,000/- per month, for which he took Rs. 3,10,000/- from me and the above said Jasbir Singh@Jassi has cheated me in the pretext of sending abroad me. In this regard, previously I have submitted the application to you which is number 1555 - misc dated 11-11-2022 in which Jasbir Singh agreed to refund amount of Rs.2,00,000/- out of which above said Jabir Singh @ Jassi given a cheque amount of Rs. 1,00,000/- dated 12-01-2023 bearing number is 075905 Axis Bank, Pathankot and that has been en-cashed. The matter has been settled vide compromise deed dated 12.01.2023 on the stamp paper and he agreed to further returned amount of Rs. 1,00,000/- on or before 26-02-2023, but the remaining amount of 1,00,000/- has not returned till today to the above said Jasbir Singh and on call he does not answer my calls. Therefore, I request you to get return my balance amount from above said Jabir Singh @jassi in case of non-payment, take appropriate legal action taken against Jabir Singh @Jassi and give me justice. Thankful to you. Your's faithfully Sd/- Kamal Kishore s/o Mr.Sukhdev Raj r/o Sarna Nehar Tehsil and District Pathankot Signature English. Mobile No: 83601-30935, Dated: 17.04.2023 Enclosed 1. Copy of Bank Statement. 2. Copy of agreement dated 12-01-2023. 3. Application Advance No. Copy of 1555 dated 11-11-2022. 666 Application dated 17.04.23 PGD-147832, 28 /EOW Dated 18.04.23, To Verify

*& Take Action As per Law & Facts, IC EO Wing PTK;
SD/- Sr. Supdt. of Police Pathankot, Economic Offenses Branch
Subject: Applicant: District Pathankot Application PGD No.
147900 dated 17.04.2023, Application No. 669 Dated 17.04.2023
submitted by Kulwant Raj s/o Gian Chand r/o Sarna
Police Station Sadar Pathankot etc.”*

3. Learned counsel for the petitioner contends that it has been wrongly alleged that the entire payment was made to the petitioner and his co-accused in the present case. Moreover, several installments have been returned by the petitioner and his co-accused to the complainant side. Still the petitioner has been wrongly arrested on 18.05.2023 and is in custody for the last more than 02 years and 02 months. Learned counsel further submits that in fact, the petitioner had no mala fide intention and he had suffered financial loss due to outbreak of Covid 19 Pandemic. He further contends that out of total 23 witnesses, only 06 witnesses have been examined by the prosecution so far.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is involved in six more cases of similar nature. However, he admits that the petitioner is in custody for the last more than 02 years and 02 months.

5. I have heard learned learned counsel for the parties and perused the record.

6. In the present case, it is apparent that all the offences are triable by the Court of Magistrate and the petitioner is continuing in custody for the last more than 02 years and 02 months. Even, 06 material witnesses have been

examined by the prosecution and the petitioner may not be in a position to influence the witnesses of the prosecution.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

04.08.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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