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CRM-M-40695-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40695-2024 (O&M)

Date of Decision: 07.01.2025

PARAMJIT SINGH ALIAS PAMMI

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ishaan Dogra, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

...

SUMEET GOEL, J. (Oral)

1. The instant petition has been filed on 14.08.2024 under Section 439 of Cr.P.C., 1973 for grant of regular bail.

As per the judgment rendered by this Court titled '*Abhishek Jain Vs. State of U.T. Chandigarh and another*' (CRM-M-31808-2024) **2024PHHC085784**, the instant petition is not maintainable under Section 439 of Cr.P.C., 1973. However, keeping in view the entirety of facts and circumstances of the case especially that the instant petition pertains to regular bail, the instant petition is directed to be considered as a petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

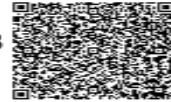
Present petition has been filed for grant of regular bail to the petitioner in case bearing FIR No.335 dated 06.11.2023, registered for the offences punishable under Sections 420 and 120-B of IPC and Section 13 of Punjab Travel Professional (Regulations) Act, 2012, at Police Station City Rajpura, Punjab.



CRM-M-40695-2024 (O&M)

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“At this time an application numbered 940/PESHI dated 01.11.2023 by Jasbir Singh son of Ram Charan resident of Village Pehar Khurd Tehsil Rajpura, District Patiala for registration of the case under section 406, 420, 120 B against Munish Kumar Sharma son of Banwari Lal resident of New Dashamen Nagar near ECI Godown, Rajpura, office at Mahendraganj, near Ramesh Band House Rajpura and Paramjit Singh Pammi, resident of Jagadhri, was received through post after investigation carried out by office of Hon'ble Senior Superintendent of Police, Patiala. The content of which is as follows:- To, SSP Patiala, Subject Application for implementing Legal Proceedings against Munish Kumar Sharma Son of Mr. Banwari Lal Resident of New Dasmesh Nagar, Near FCI Godown. Rajpura Office at Mahendra Ganj, near Ramesh Band House Rajpura, Tehsil Rajpura, District Patiala (98152-86503) and Paramjit Singh Pammi. Son of not known resident of Jagadhri (Haryana) (80595-29888) concerning cheating and swindling. Sir, I request that (1) I am Jasbir Singh son of Ram Charan resident of village Pehar Khurd District Patiala. Tehsil Rajpura (2) That the said Munish Kumar Sharma, who deals in abroad immigration and getting them settled and employed. (3) That I also wanted to go abroad. My Chacha (Parental Uncle) Balak Ram told me in January 2022 that there is a person named Munish Sharma at Rajpura who has also opened his office at Mahendraganj Rajpura who deals in immigrating the people abroad and has already sent many people abroad and Balak Ram met me with Munich Kumar Sharma. With whom I had a talk, who promised to send me to America and the deal was done with the said Munish Kumar Sharma for Rs.39,00,000 lakh and the said Paramjit Pammi is also his partner and used to visit his office. Munish Kumar asked me for my passport and other documents and asked me to give Rs 10 lakh for expenses, so I gave Rs 7 lakh to Munish Kumar by taking alongwith me my father and Darshan Singh in his office on 04.03.2022. Who promised me that, he will send me America soon by putting forward my file. Nor did he say that you will have to leave for Indonesia for a few days and from there he will prepare all my papers and send me through a direct flight to America. I continued to trust the said Munish Kumar Sharma and as per the promise of Munish Kumar the remaining amount was to be paid on arrival. It is pertinent to mention here that Munish Kumar Sharma took 7 blank but signed cheque of Axis Bank Rajpura to complete the return and to produce other documents and to present the bank. (4) That the said Munish Kumar Sharma gave me Ticket to Indonesia was on 30.08.2022 and my flight from Delhi to Indonesia was on 01.07.2022 and I reached Indonesia on 02.07.2022. Munish Sharma arranged my stay in a hotel in Indonesia where I went and he kept me in the hotel for 14 days and on the 15th day Munish Kumar Sharma sent me someone who took me from the hotel in his car to a rented house, where I was tortured a lot by the man of Mantan Kumar Sharma and kept hungry and thirsty and I was also beaten up. And the goons of Munish Kumar Sharma, Forced me to call by threatening and beating me that I should call-my parents and say that I am fine, I have got my passport and other documents and my flight is on date 16.07.2022 and will reach America on the night of 17.07.2022 and prepare the remaining due amount of Munish Kumar Sharma and pay the due amount to Munish Kumar on my call (5) That on 18.07.2022, Munish Kumar Sharma's man again beat me and threatened to kill me and I was told that Munish Kumar will kill all the members of my family, so call your parents and tell them that I have reached to America. You should pay the amount of Munish Kumar Sharma I was scared and called my parents from Indonesia on the behest of men of

**CRM-M-40695-2024 (O&M)**

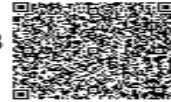
Munish Kumar and said that I have reached America. Then my parents by calling Munish Kumar Sharma to their home at the Village Pehar Khurd, in the presence of Doctor Sanjeev Kumar resident of Pehar Khurd and Darshan Singh has given Ra 32,00,000/- (Rupees Thirty two Lakhs). (6) That till 31.08.2022 the men of Munish Kumar Sharma kept me in illegal confinement at Indonesia and tortured me severely in inhuman way and kept me without food and Water rather thirsty and hungry and sent me back on 01.09.2022 with a ticket to Mumbai from Indonesia. (7) That after coming to India, I tried hard to meet Munish Kumar Sharma and Paramjit Singh Pammi and kept visiting their office but the said two met me and later I found out that these persons have left the office and gone somewhere. With this, the said persons have cheated and swindled me in connivance with each other on the pretext of Sending me to America by taking me into their confidence. Therefore, by submitting this application, it is requested the legal action to be taken in the interest of justice against the said person for cheating and swindling. Sd/ Jasbir Singh complainant Jasbir Singh son of Ram Charan Resident of Village Pahir Khurd, Tehsil Rajpura District Patiala (98788-80852)”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 05.01.2024. Learned counsel for the petitioner has submitted that there are total 24 cited prosecution witnesses out of which only 2 have been examined till date. Learned counsel for the petitioner has further submitted that it was the main accused, namely, Manish Sharma who was running a travel agency and the petitioner had merely given the reference of the travel agency in question to the complainant. Learned counsel for the petitioner has further argued that since the complainant was not able to go abroad to his satisfaction/as per his desire, therefore, the petitioner has been falsely implicated into the FIR in question. Thus, regular bail is prayed for.

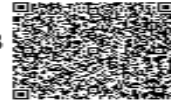
4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 05.01.2024 whereinafter investigation was carried out & challan was presented on 01.03.2024. The

**CRM-M-40695-2024 (O&M)**

charges in the case was framed on 15.07.2024. Total 24 prosecution witnesses have been cited out of which only 2 have been examined till date. It is thus indubitable that culmination of the trial will take its own time. The rival contention of the learned counsel for the parties; as to the exact role of the petitioner into the FIR in question and as to whether the petitioner has been falsely implicated into the FIR in question on account of the complainant not being able to go abroad to his satisfaction/as per his desire; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence. As per the custody certificate dated 06.01.2025 filed by the learned State counsel, the petitioner has suffered incarceration for about 1 year. As per the said custody certificate, the petitioner is said to be involved in other FIR(s) also. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi vs. State of U.P. and another, 2012(1) R.C.R. (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das vs. State, 1998(2) R.C.R. (Criminal) 477*** & judgments of this

**CRM-M-40695-2024 (O&M)**

Haryana, decided on 29.11.2021 and *Balraj vs. State of Haryana, 1998(3) R.C.R. (Criminal) 191*. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone 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/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.



CRM-M-40695-2024 (O&M)

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

07.01.2025

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No