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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-45020-2024 (O&M)
Date of Decision:- 31.01.2025

NAVTEJ SINGH SARAOS

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Surjit Singh Siwach and Ms. Gagandeep Kaur, Advocates
for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
11	23.02.2024	406, 420, 120-B IPC; 24 of the Immigration Act, 1983	Dhakoli, District SAS Nagar, Punjab

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner, aged 63 years, is innocent and has been falsely implicated in this case. He contends that the petitioner has no concern with the allegations levelled in the FIR. He further contends that in fact, the mother of the complainant happens to be the colleague of wife of the petitioner, who had taken some loan from her. The complainant has wrongly mentioned the



said amount which he had taken on loan, to be the amount in dispute in the present FIR. In fact, neither the petitioner nor his wife had ever been working as travel agents. He submits that during the pendency of the proceedings before learned Additional Sessions Judge, ₹23.5 lakhs have already been returned to the complainant party. He further submits that the petitioner has never duped the complainant and has been wrongly implicated on account of financial dealings between the parties. The petitioner is in custody since 16.03.2024 and after the completion of investigation, challan has been presented. Thus prayed for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report filed by the State has opposed the bail petition on the ground that the petitioner along with his wife had duped and cheated the complainant party on the pretext of sending them abroad and have taken ₹58 lakhs for this purpose. It is submitted that neither the petitioner provided the requisite VISA to the complainant nor returned the amount. However, it is not denied that an amount of ₹23.5 lakhs have already been returned to the complainant party during the pendency of the instant proceedings.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it is observed that the present case was registered against the petitioner and his wife on the allegation that the petitioner and his wife, working as travel agents, had defrauded and duped the complainant party of ₹58 lakhs on the pretext of sending them abroad, but neither provided the VISA nor returned



the amount, leading to registration of the FIR. It is evident from the record that during the pendency of the bail application before the learned Additional Sessions Judge, an amount of ₹23.5 lakhs had been paid to the complainant party. Admittedly, the petitioner is in custody since 16.03.2024 and is aged about 63 years, having no criminal antecedents. After the completion of investigation, challan has been presented in the Court and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

31.01.2025

S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |