



CRM-M-47443-2025

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

261**CRM-M-47443-2025****Date of Decision: 02.09.2025**

Jatinder Singh @ Fauji

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Bipan Ghai, Sr. Advocate, with
Mr.Nikhil Ghail, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present fourth petition has been filed by the petitioner praying for grant of regular bail in case FIR No.0044 dated 14.03.2024, under Sections 420, 120-B of IPC and under Section 24 of Immigration Act (Sections 467, 468, 471 of IPC and Section 25 of Arms Act added later on), registered at Police Station City-2, Khanna District Khanna.

2. Succinctly the facts of the case are that the present case was registered on the statement of complainant, namely, Yuvraj. It was alleged that he saw an online advertisement regarding immigration Centre GTB market, Khanna. He visited the same along with his father and met the staff at the Immigration Centre. They assured him of sending him to Australia along with a part-time job and providing a 03 year work permit in Australia. He agreed to pay Rs.8,50,000/-. Thereafter, on various dates, he transferred the amount to the Google Pay I.D. of Teja Singh Vyapar. Thus, in total he paid Rs.2,40,000/- to Coast Way Immigration. Apart from him, Harjit Singh, who had come with him had given Rs.90,000/-. However, neither the Visa as assured was given nor their money was returned. On enquiry, they found that the real owner of the Coast Way Immigration Centre GTB Market Khanna is Teja Singh S/o Mela Singh. It was alleged that Teja Singh along with his accomplices have cheated them for Rs.18,13,000/- and thus, the request was made to take the legal action against the culprits. On registration of FIR, investigation commenced. During investigation, the complicity of the petitioner was also surfaced



being the partner of the Coast Way Immigration. Thus, he was also arrayed as an accused and was arrested on 24.04.2024. He approached the Learned Additional Sessions Judge, Ludhiana, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 27.06.2024. Hence, petitioner is before this Court praying for grant of bail by way of filing of present fourth petition.

3. Learned Senior counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that investigation is complete and challan has already been presented. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 29.04.2024, however, there is no progress in the trial. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has further submitted that co-accused of the petitioner, namely, Harinderjeet Singh @ Harinder has already been granted bail by this Court vide order dated 01.08.2025 passed in CRM-M-40309-2025 and thus case of the petitioner is at par with that of the co-accused. He thus, submits that in the overall facts and circumstances and in view of the law settled, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner has played an active role in the commission of offence. He, on instructions from ASI Sukhwinder Singh, has submitted out of total 159 prosecution witnesses, only 09 witnesses have been examined so far. He has produced on custody certificate of the petitioner today in the Court and the same is taken on record. He has endorsed the fact that co-accused, namely, Harinderjeet Singh @ Harinder has already been granted bail by this Court vide order dated 01.08.2025 passed in CRM-M-40309-2025.

5. After hearing counsel for the parties and perusing the record, it is deciphered that though the petitioner was not named in the FIR, however, he has been arrayed as an accused during investigation. The allegations made in the FIR are primarily against co-accused Teja Singh. 09 witnesses, who are the alleged victims have been examined by the prosecution and all



these witnesses have not supported the case of the prosecution qua the petitioner. The custody certificate produced would show that he has suffered an incarceration of 01 year, 04 months and 04 days as on 01.09.2025. As submitted by the learned Senior Counsel, petitioner is involved in other 02 cases, however, he is not on bail. Co-accused of the petitioner, namely, Harinderjeet Singh @ Harinder has already been granted bail by this Court vide order dated 01.08.2025 passed in CRM-M-40309-2025

6. The trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. The Hon'ble Supreme Court in **Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695** has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in **Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial would refrain itself from commenting anything on merits of the case.

8. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned senior counsel for the petitioner succeeds in making out a case for grant of bail on parity. Accordingly, the present petition is allowed and the petitioner is ordered to



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be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

02.09.2025

Vivek

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned : Yes
Whether Reportable : No