

**IN THE COURT OF SH.DEVINDER KUMAR GUPTA,
ADDITIONAL SESSIONS JUDGE, S.A.S. NAGAR, (MOHALI).
(UID NO. PB00520)**

B.A. No. 283 of 24.07.19
CIS No. 1752 of 2019
CNR No. PBSA01-006329-2019
Decided on.01.08.2019

Wajid Ali aged about 21 years son of Sajid Ali, resident of Village Salempur, Police Station Nagal, District Saharanpur (UP), at present resident of Sector 44-C, Chandigarh.

.....Accused/Applicant.

Versus.

State of Punjab

.....Respondent.

FIR no.222 dated 01.07.2019
under Sections: 406, 420, 120-B, 465, 467, 468, 471 IPC &
Section 24 of Immigration Act
PS: Zirakpur, S.A.S. Nagar, (Mohali).

Bail application under Section 439 C.P.C

Present: Sh. Amrinder Singh Nanwa, Advocate, counsel for the
accused/applicant
Sh. S.S. Sahota, Addl. PP for the State

ORDER:-

1. This order of mine shall dispose of bail application filed by accused/applicant Wajid Ali seeking regular bail in terms of Section 439 Cr.P.C. arising out of above said FIR
2. Notice of bail application was issued to the State and learned PP for the State has put in appearance. Record of investigation summoned and perused.
3. Succinctly stated the instant case was registered on the applications moved by the various persons including complainant Satpreet

Singh son of Balwinder Singh against the accused/applicant on the allegations that he is resident of House No. 15, Mohindra Colony, Patiala, Punjab. He stated that accused Sonu, Ajaypal alias Lovely alias Randhi, Kartik, Arushi, Gagan Mehta, Anjali alias Riya, Ruchi, Manpreet Singh are indulge in the business of sending the persons to abroad. The office of the abovesaid persons, namely, Sure Consistency, First Floor, Near Patiala Chowk, Zirakpur. The above named accused demanded ₹1 lac from the complainant for sending him Russia whereas they demanded further ₹1 lacs each from other 57 persons for sending them in different countries. Out of above ₹1 lacs, complainant deposited ₹22,500/- and some other persons deposited ₹60,000/- on account of visa fee. They have also receipts with regard to above payment. Complainant and some other persons also paid ₹5,000/- to ₹10000/- on account of medical check up. From the abovesaid amount, complainant and other persons deposited some amount in account no.20650110043875 IFSC Code–UCIBA 0002065 & AC No.3743444101, IFSC Code No. CBIN 0283262 UCO Bank, which is in the name of one Poonam Rana. Complainant is in possession of receipt with regard to deposit of amount in the above account number. Accused person got conducted their medical check up from Medical Health Care Center, SCO No.86, 2nd Floor, Sector 44-C, Chandigarh and Medical Lotus Plus, SCO No.226, 2nd Floor, Sector 40-D, Chandigarh. They assured them that they will arrange Visa of them within 45 days. They have paid amount to the accused person in the month of April, May and June. They have tried to call the accused persons but they

make excuses. Now they are trying to call them, but phone is not connecting with the number of any of the accused. On 01.07.2019, they reached to the office of accused persons but the same was found closed. When they enquired from nearby, they came to know that the office of accused persons is closed for some days. They further said that the passports of Jagroop Singh, Gifti, Sukhwinder singh, Jaswinder Singh, Ranjit Singh, Pargat Singh, Amritpal Singh, Jatinder Singh, Jatinder, Harpreet Singh, Manpreet Singh, Gurwinder Singh, Kulwinder Singh are also with the accused persons. After conducting initial inquiry, the present FIR has been registered under sections 406, 420, 120-B IPC read with Section 24 of Immigration Act. During investigation, offences under sections 465, 467, 468, 471 IPC were also added on 09.07.2019.

4. The learned counsel for accused/applicant argued that accused/applicant is quite innocent and has been falsely implicated in the above noted case by the police. He further argued that the accused/ applicant is not named in the FIR. He further argued that the applicant has not committed any offence nor he has cheated the complainant. The accused/applicant is neither beneficiary nor took any alleged transaction any point of time. The accused/applicant was working as helper and he has not played any type of role in the alleged transactions. The applicant is not at fault in any manner. It is further argued that the offences are triable by the Magistrate. The accused/applicant is in judicial custody and no more required for the purpose of custodial interrogation. He further argued that the presentation of challan and its trial will take considerable

time and no useful purpose would be served by detaining the accused/applicant behind bars. He prayed for grant of regular bail to the accused/applicant.

5. On the other hand, the learned Addl. PP for the state has controverted all the contentions raised above. He further argued that in view of allegations against the accused/applicant, he is not entitled to regular bail and he prayed for dismissal of the bail application.

6. After hearing the respective contentions of both the sides and having gone through the record carefully, it is found that the instant bail application merits acceptance. The accused/ applicant is in judicial custody. All the offences allegedly committed by the applicant are triable by the Magisterial Court. Presentation of challan and conclusion of the trial will take sufficient time. No useful purpose would be served by keeping the applicant behind the bar anymore. The criminal liability against the applicant will be determined only after evaluating the evidence which would be adduced by the prosecution during trial. Moreover, co-accused Sakshi Luthra has already been released on regular bail by the trial Court. Resultantly, the accused/applicant is ordered to be released on bail on his furnishing personal bond in the sum of Rs.1,00,000/- with one surety of the like amount, to the satisfaction of trial court/Duty Magistrate subject to the following conditions:-

- i) that he shall appear in the Court on each and every date of hearing;
- ii) that he shall not tamper with the prosecution evidence;
- iii) that he shall not leave India without prior permission of the

court.

Police record be returned and the file of bail application be consigned
to the record room.

Pronounced.
01.08.2019

(Devinder Kumar Gupta)
Addl. Sessions Judge.
S.A.S. Nagar, Mohali.
(UID No.PB00520)

Bhupinder Singh
Stenographer-III