

CRM-M-35460-2016

Date of Decision : 11.11.2016

Harminder Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

M.M.S. BEDI, JUDGE (ORAL)

Petitioner seeks concession of regular bail in a case registered at the instance of Gurmukh Singh on the allegations that the petitioner had connived with his wife and had duped the complainant for a sum of Rs. 46 lac on the pretext of getting released Tarwinder Singh, a cousin of the complainant, who was in custody in a murder case and was an NRI. The petitioner had returned a sum of Rs. 20 lac to the complainant for having not been able to get accused Tarwinder Singh, released from custody. Another sum of Rs. 26 lac was returned by issuing four cheques in favour of the complainant, out of which three cheques were dishonoured.

With the assistance of learned State counsel assisted by ASI Mukhtiar Singh, I have gone through the police file.

Contention of learned counsel for the petitioner is that the petitioner, had no doubt, taken a loan from the complainant and in order to discharge the liability, has issued four cheques in favour of the complainant but till date no prosecution under Section 138 of the

Negotiable Instruments Act has been launched.

A perusal of the police file indicates that the source of money paid to the petitioner is sought to be proved with the statements of Pws Swaran Singh, Amarjit Singh and Harbans Singh for having withdrawn a sum of approximately Rs. 15 lac each and having paid the same to Gurmukh Singh. The liability of the petitioner is also sought to be established from the dishonoured cheques.

Without expression of any opinion on merits, it is sufficient to observe that the petitioner has been in custody with effect from 27.08.2016. The challan has already been presented. The trial is likely to take a long time. Petitioner, in said circumstances, can be granted the concession of bail.

The petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to a condition that petitioner will not leave India without the permission of the Court and will not make any attempt to tamper with the evidence.

Nothing said in this order will prejudice the rights of the complainant to recover the amount, if any, in accordance with law.

(M.M.S. BEDI)
JUDGE

11.11.2016

Neha

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No