

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

CRM-M No.37021 of 2016
Date of decision: 16th December, 2016

Gurjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Preetinder S. Ahluwalia, Advocate for the petitioner.

Mr. P.S. Paul, Dy. Advocate General, Punjab
for the respondent/State.

Mr. Kanishk Lakhanpal , Advocate
for the complainant.

FATEH DEEP SINGH, J.

Allegations against the petitioner Gurjit Singh in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.100 dated 23.10.2013 (Annexure P1) registered at Police Station Harike, District Tarn Taran under Sections 420, 506, 120-B IPC, are that the present case was got registered on the complaint by complainant Gurjant Singh alleging that the petitioner along with his co-accused has cheated the complainant on the pretext of sending him abroad and thus, had duped a sum of Rs.8.50 lacs.

Contentions of the learned counsel for the petitioner Mr.Preetinder Singh Ahluwalia, Advocate are that the complainant in this case happens to be an Ex-employee of the Company of the petitioner under the name and style of M/s Flying Agro Services Private

Limited wherein the present complainant was appointed as a Field Officer and has relied upon letter of appointment (Annexure P4) submitting that on account of fraudulent conduct of the present complainant, petitioner has lodged a complaint under Section 138 of the Negotiable Instruments Act, 1881 against him on 28.04.2010, much prior to the registration of the present case which is on 23.10.2013 and termed it to be a counterblast and that earlier on similar complaint of the present complainant the Economic Offences Wing of the Chandigarh Police had held the petitioner innocent and has sought to place reliance on inquiry report (Annexure P14) and the status of the complainant being an employee of the petitioner by placing reliance on Bank records (Annexure P19 Colly) of Bank of Baroda and UTI Bank submitting further that the petitioner is in custody for a period of more than nine months.

Though on behalf of the State, a faint attempt is sought to be put forth to deny the averments of the petitioner side and for opposing the bail and with much vehemence learned counsel for the complainant has sought to thwart efforts of the petitioner by hammering home the point that even in an earlier complaint under Section 138 Negotiable Instruments Act, 1881, the present complainant has been acquitted and has sought to refute the relationship of employer and ex-employee between the two sides and has sought to harp on the element of fraud and cheating.

Appreciating the submissions, admittedly petitioner is in custody for more than nine months. The irrefutable and unrebutted documents placed on record by way of (Annexures P2, P3, P4 and P19 Colly) and the fact that initially on similar allegations, the police of Chandigarh had filed the complaint of complainant and that the occurrence as per the FIR in question (Annexure P1) is alleged to have taken place from 01.01.2002 to 2008 and thus, after almost 11-6 years, present allegations have been levelled and thus, a distressing feature for the prosecution in view of the strong documentary evidence to bring forth the conduct of the complainant which is elicited from these documents and the fact that the investigation and trial will take its own time and no useful purpose will be served by keeping the petitioner in custody, impels this Court to allow the prayer made. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Tarn Taran.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 16, 2016

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No