

Sr. No. 217

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

**CRM No. M-43434 of 2015 (O&M)
Date of Decision: 25.02.2016**

Aman Bawa

...Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Mrigank Sharma, Advocate,
for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner in case FIR No.78 dated 14.08.2015, under Section 420 of Indian Penal Code, registered at Police Station Maqboolpura, Amritsar.

Counsel for the parties have been heard at length.

FIR came to be registered on the basis of a complaint dated 02.02.2015 made by Parminder Singh Toor. Allegations against the present petitioner as also other family members are with regard to misappropriation of a total sum of Rs. 10,50,000/- (Rs. Ten Lac and Fifty Thousand only) taken on the pretext of sending son of the complainant abroad. Further allegations are that cheques had been issued by the present petitioner for a total amount of

Rs.6,50,000/- (Rs. Six Lac and Fifty Thousand only) towards return of money but the same upon presentation have been dishonoured.

Counsel appearing for the petitioner would contend that it is a case of false implication. The petitioner is not a travel agent and rather the complainant as also the petitioner were business partners dealing in real estate. To substantiate such assertions, counsel would submit that even FIR No.146 dated 17.05.2014 had been registered on the complaint of Amarbir Singh son of Kartar Singh in which the present petitioner as also complainant Parminder Singh Toor had been named as co-accused. Accusations in such FIR i.e. bearing No.146 were again in relation to sanction of a loan against property.

During the course of arguments, it has also gone uncontroverted that even though the cheques issued by the petitioner having not been honoured, till date the complainant has not initiated proceedings under the Negotiable Instruments Act.

Petitioner has been in custody since 14.09.2015.

State counsel who is on instructions from ASI Harjit Singh would submit that even though investigation qua present petitioner is complete and the challan has not been presented only on account of the fact that co-accused in the present case have not yet been arrested.

Be that as it may, without making any observations on merit and keeping in view the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail. Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the

Chief Judicial Magistrate/Duty Magistrate, Amritsar.

Disposed of.

25.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**