

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

**Criminal Misc. No. M-10677 of 2016**

**Date of decision : April 21, 2017**

Vijay Kumar Sharma

....Petitioner

versus

State of Punjab

....Respondent

**Coram: Hon'ble Mr. Justice Fateh Deep Singh**

Present : Mr. Krishan Sehajpal, Advocate, for the petitioner  
Mr. Rupam Aggarwal, DAG, Punjab

**Fateh Deep Singh, J. (Oral)**

The allegations against petitioner Vijay Kumar Sharma in this regular bail application under section 439 Cr.P.C. are that around January, 2015, the petitioner has duped the complainants of Rs 7 lacs each on the pretext of their migration abroad to Cyprus which he failed to do so leading to his arrest on 31.10.2015 consequent upon registration of the present case.

The contentions of the counsel for the petitioner are that the petitioner is in custody since one and half years and there is no semblance of evidence to show that the complainants were possessed of any passport to enable them to fly abroad.

Learned State counsel has sought to oppose the bail application on the ground of heinousness of the offence and the role of the petitioner in similar other cases.

Appreciating the submissions of the two sides even to the specific query of the Court, the learned State counsel could not even after getting instructions from the Investigating Officer Inspector Surjit Singh show if any evidence as to the complainant side being in possession of valid passports has come on the record is in itself suggestive and thus, there is a debatable issue over the plausibility of the allegations.

Keeping in view the substantive period of incarceration and the fact that the trial is not likely to be concluded in near future, without advertent to the merits of the case, the instant application is allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate,

The present petition stands disposed off accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

April 21, 2017  
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( Fateh Deep Singh )  
Judge

*Whether speaking/reasoned ?*

*Yes/No*

*Whether Reportable ?*

*Yes/No*