

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-21094 of 2017
Date of Decision: 13.07.2017

Jagjit Singh @ Jagga

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Mandeep Kaushal, Advocate
for the petitioner.
Mr. Ajay Pal Singh Gill, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 18 dated 08.02.2017 registered for offences punishable under Sections 420 read with Section 120-B of Indian Penal Code (for short, "IPC") at Police Station Bagha Purana, District Moga.

Heard.

As per case of prosecution, the petitioner in connivance with co-accused-Major Singh cheated complainant of ₹16,20,000/- by giving allurement of his marriage with sister of the petitioner, who was residing in Canada. After receiving above amount, he kept on putting off the matter on one pretext or the other and ultimately, complainant came to know about his cheating.

Learned counsel for the petitioner submits that the petitioner was arrested in this case on 19.03.2017. There is no documentary evidence of payment of ₹16,20,000/-. The case is based on oral testimony of

complainant, which is to be scrutinized by the trial Court while recording its

finding as to whether the same is reliable. The other co-accused, namely, Major Singh has not been arrested by the police so far, as such, conclusion of trial will take considerably long time. On the above ground he seeks regular bail for the petitioner.

Learned State counsel submits that though the case is based on oral evidence of complainant but the allegation against petitioner is serious in nature. His co-accused is also absconding and could not be traced by the police. The police after investigation has presented the challan against petitioner and charges have also been framed.

The prosecution evidence is yet to start and co-accused-Major Singh is also to be arrested. This shows that conclusion of trial will take considerably long time.

In view of above but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Jagjit Singh @ Jagga is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

July 13, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No