

Sr. No.208
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-37125 of 2016 (O&M)

Date of Decision:15.03.2017

Charan Kamal Grewal

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. C.K.Singla, Advocate for
Mr. Ankur Mittal, Advocate,
for the petitioner.

Ms. Harpreet K. Athwal, DAG, Punjab.

Mr. J.S.Dadwal, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the instant petition filed under Section 439 Cr.P.C. seeking benefit of regular bail pending trial in case FIR No.20 dated 18.02.2016, under Sections 420/120-B and Section 24 of Immigration Act (Sections 465/467/468 IPC added later on), registered at Police Station S.B.S.Nagar, District Ludhiana.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Harwinder Singh. Allegations in a nutshell against the present petitioner are that his wife Amardeep Kaur, Robin and Rajwinder Kaur as also Sukhpal have duped the complainant of a sum of Rs.54 lakhs approximately and 76 tolas of gold on the pretext of sending the entire family of Harwinder Singh to Canada.

Court has been apprised, initially FIR was registered under Sections 420, 120-B of IPC and Section 24 of Immigration Act and subsequently offence under Sections 465, 467 and 468 IPC have been added

as inquiry had revealed that even forged visas had been issued to induce the complainant party and to extract more money.

Petitioner was arrested on 19.02.2016.

Challan qua the present petitioner already stands presented on 15.04.2016 and charges were framed on 28.09.2016.

Statement of complainant Harwinder Singh has already been recorded in chief before the trial Court.

It is not the case made out by learned State counsel or counsel appearing for the complainant that the petitioner if granted benefit of bail would be in a position to hamper the course of a free and fair trial.

At this stage, counsel for the complainant would interject and would submit that in the FIR itself it has been recorded that the petitioner had resorted to threatening the complainant party. However, on a specific query having been put as regards any threat having been issued after submission of challan and framing of charges, the response has been in the negative.

Without making any observations on merits and keeping in view the length of incarceration i.e. more than a period of 01 year having 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 trial Court/Duty Magistrate, Ludhiana.

Disposed of.

15.03.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No