

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-42578 of 2016

Date of decision : April 20, 2017

Sonu

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Ashok Giri, Advocate, for the petitioner
Mr. Gurveer Sidhu, AAG, Punjab, for the respondent

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Sonu in this regular bail application are that his sister Rupa, an NRI had enticed complainant Mandeep Kumar on the pretext of sending him to Cyprus and took Rs 7 lacs through the petitioner but failed to abide by the same and rather the complainant was left stranded in Dubai from where he was deported back.

The contentions of the counsel for the petitioner are that the petitioner is in custody since 23.8.2016 and no specific role is attributed to the petitioner in the commission of offence and the trial is not likely to be concluded in near future though on behalf of the State the bail is stoutly opposed on the ground that the petitioner in connivance with his principal co-accused Rupa has taken money from the complainant and thus, he is not entitled for bail.

Appreciating the submissions, a bare perusal of the FIR does not in any manner attributes any role to the petitioner in the commission of

offence neither there is any allegation of fraudulent misrepresentation and fraud and merely because the brother was handed over money by the complainant to be given to Rupa does not fasten with such criminal liability. The petitioner is behind the bars since 23.8.2016 and culpability if any shall be determined at the time of trial.

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

The present petition stands disposed off accordingly.

April 20, 2017
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No