

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-45744 of 2016
Date of Decision: 16.01.2017

Gurcharan Singh @ Channi

.....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. M.S. Atwal, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioner in case FIR No. 233 dated 01.12.2015 for offences punishable under Sections 420, 406, 342 read with Section 120-B of Indian Penal Code (for short 'IPC') at Police Station Division No. 8, District Jalandhar.

Heard.

Notice of motion.

On asking of the court, Ms. Bhavna Gupta, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

Petitioner was arrested on the allegations of complainant that he (petitioner) had duped him of ₹26 lacs by making assurance to send and settle his son in Canada. However, after getting sum of ₹26 lacs, his son was taken to Nepal and left in forest.

The petitioner was arrested in this case on 04.01.2016. Thereafter, the challan was presented and charge was framed on 07.04.2016.

Learned counsel for the petitioner submits that after framing of charge, no witness has been examined so far.

Learned State counsel submits that after framing of the charge, police has initiated investigation against other accused named in the FIR, namely, Jurri and Joginder Kaur and due to this reason, no witness could be

examined.

Perusal of status of the case, obtained by learned counsel for the petitioner from E-Court website, shows that the prosecution has been afforded about nine opportunities to produce evidence but it has not been able to examine even a single witness. So far as investigation against other accused named in the FIR is concerned, completion of the same may take considerably long time.

Keeping in view above facts but without expressing any opinion on merits of the case, instant petition is allowed. Petitioner-Gurcharan Singh @ Channi 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 accused 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 accused shall have to apply for bail afresh.
- c. He shall not leave the country without the previous permission of the Court.

January 16, 2017

jk

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No