

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

CRM-M-29174-2018
Date of decision:12.09.2018

Sanjiv Bhatt @ Sanjiv Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Ravinder Bangar, Advocate
for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered vide FIR No.51 dated 20.05.2018 under Sections 419, 420 of Indian Penal Code, 1860 Police Station Jhunir, District Mansa, Punjab.

The FIR in question was lodged at the instance of Ashok Kumar wherein it has been alleged that he is running Muskan Ice Cream factory at Hamiri Jhunir, District Mansa and that on 17.05.2018 two persons visited his factory premises in the afternoon and told him that they have a complaint against his factory and they have to conduct checking and after conducting checking they demanded an amount of

₹10,000/- which the complainant handed over to them. It is alleged that subsequently upon inquiry conducted by the complainant at his own level and after contacting proprietors of other Ice Cream factories he came to know about the mobile phone of one of the accused and with the help of True Caller application and by searching on the Facebook, he came to know the person as Sanjiv Bhatt @ Sanjiv Kumar and recognized him from his photograph through Facebook. It is alleged that when the complainant contacted Health Officer, Mansa, he came to know that no such person is working in the Health Department, Mansa. The complainant has thus alleged that he has been cheated of an amount of ₹10,000/- by a person who impersonated as a Officer of Health Department.

Notice of the petition was issued to the respondent-State.

Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that there is no evidence worth credence to connect the petitioner with the alleged occurrence. Learned counsel has further submitted that it remains unexplained as to why the complainant handed over an amount of ₹10,000/- to the accused when even as per the FIR the complainant had stated that nothing wrong was found in his premises. Learned counsel has thus prayed for grant of bail.

On the other hand learned State counsel has submitted that identity of the accused has duly been established through the Facebook and that under these circumstances, the petitioner does not deserve the concession of bail.

I have considered the rival contentions addressed before this

Court. Bearing in mind the nature of allegation and the amount involved in the present case and also the fact that challan has already been presented and that the petitioner has been behind bars since last more than three months, in my opinion no fruitful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner-Sanjiv Bhatt @ Sanjiv Kumar is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate Mansa.

This petition stands accepted accordingly.

12.09.2018

Gaurav Sorot

**(GURVINDER SINGH GILL)
JUDGE**

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**