

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-30633 of 2018
Date of Decision: 27.07.2018

Jagtar Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. Amitoj S. Dhaliwal, 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.12 dated 15.02.2016 registered for offences punishable under Sections 420/465/467/468/471/506/120-B of Indian Penal Code (for short, "IPC") at Police Station City 2, Abohar, District Fazilka.

Heard.

As per allegations in the complaint, complainant had a deal with accused-Rajinder Kaur for sending and settling his son in Canada on payment of ₹25 lakhs. He made part payment of ₹2,50,000/- on 17.03.2013 to accused Gurmail Singh, his wife Amarjit Kaur and Harnek Singh. Thereafter on asking of accused Rajinder Kaur, a sum of ₹16,41,500/- was deposited in the accounts of various accused out of which ₹1,50,000/- were deposited in the account of petitioner.

Learned counsel for the petitioner submits that petitioner had no dealing with complainant. Amount of ₹1,50,000/- was deposited in the

account of petitioner as Rajinder Kaur and her parents had been coming to his cloth shop for purchasing clothes. The said payment was towards purchase of cloth material by them. Even otherwise, petitioner has been arrested in this case on 13.06.2018 and challan against him has not been presented so far.

Learned State counsel submits that the matter is still under investigation and all the accused named in the FIR have not been arrested so far.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that completion of investigation, presentation of challan and then conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Jagtar Singh 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 27, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No