

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-41180-2018

Date of decision: 25.09.2018

Sumit Malik

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. KS Sidhu, Senior Advocate with
Mr. GS Chahal, Advocate for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., petitioner-
Sumit Malik, has prayed for grant of regular bail in case FIR No. 43 dated
04.03.2018 registered under Sections 419, 420, 406, 465, 467, 468 and
120-B IPC at Police Station Civil Lines, City Patiala, Punjab.

According to the prosecution, a gang of 8-10 persons by
disclosing their fake identity under the fake names, cheated and
defrauded complainant-Kanwaljit Singh Kapoor, for ₹27 lakhs on various
false pretexts i.e. providing him flat at cheaper rates, insurance policy
fetching extraordinary premium etc.

Learned counsel for the petitioner *inter alia* contends that
petitioner has nothing to do with the alleged gang. He was only an

employee on petty salary of M/s Banayak Brothers, owned by co-accused Pardeep Parshad and Atam Dev, on meagre salary. Petitioner is not the beneficiary of any transaction between the complainant and his co-accused. He was only the collector of money. Petitioner is in custody since 28.07.2018. Conclusion of trial may take a long time. No useful purpose would be served by detaining him in jail. More so, co-accused of the petitioner, namely; Dhirender Jha and Roshan Saha, have already been enlarged on regular bail by this Court, vide orders dated 20.08.2018 and 07.09.2018, passed in CRM-M- Nos. 34937 and 38377-2018, respectively. Thus, treating the case of the petitioner on the same parity, he may be granted the concession of regular bail.

On the other hand, learned State counsel vehemently opposed the above submission of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner-Sumit Malik, is ordered to be released on bail pending trial, treating his case on the same parity as that of his co-accused, namely; Dhirender Jha and Roshan Saha, on his furnishing adequate bail bonds and two sound local sureties to the satisfaction of trial Court/Duty Magistrate, concerned, as the petitioner is resident of New Delhi.

September 25, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No