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

CRM-M-43383-2018

Date of Decision: 08.10.2018

Mohd. Rijwan and others

...Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Daygeesh Kumar Bhatti, Advocate
for the petitioners.

Mr. A.S.Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., petitioners, have prayed for grant of regular bail in case FIR No. 43 dated 04.03.2018 registered under Sections 406/419/420/465/467/468/120-B IPC at Police Station Civil Lines, Patiala (Annexure P-1)

Learned counsel has placed on record three demand drafts bearing Nos. 361284, 013296 and 516830 for Rs. 7,12,000/- on behalf of the each petitioner totaling Rs. 24,36,000/-. A photocopy of the same is being retained on the record and original demand drafts have been handed over to complainant-Kanwaljeet Singh Kapur, present in Court today, which are acknowledged by him by signing photocopies of the above demand drafts, mentioning his mobile number as well.

According to prosecution, the petitioners, forming a gang of 8-10 persons, disclosing their fake identity and misrepresenting them

under fake names, cheated and defrauded complainant-Kanwaljit Singh Kapur for Rs. 27,00,000/- on various false pretext i.e. providing him flat at cheaper rates and insurance policy fetching extraordinary premium etc. Co-accused-Roshan Saha has been granted bail vide order dated 07.09.2018 passed in CRM-M-38377-2018. Therefore, the case of the petitioners, who are in custody since 08.08.2018, may be treated on the same parity as that of co-accused-Roshan Saha. The conclusion of trial may take a long time. No useful purpose would be served by detaining them in jail.

Complainant-Kanwaljeet Singh Kapur submits Rs. 3,64,00/- has earlier been received by him. He has no objection, if regular bail is granted to the petitioners in case they make the payment with simple interest @12% per annum from the date of payment till today. Thereafter, he shall even have no objection in quashing the aforesaid FIR.

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

In view of totality of the facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioners, are ordered to be released on bail pending trial, treating their case on the same parity as that of the case of their co-accused, namely Roshan Saha, on furnishing their adequate bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned. After coming out of jail, the petitioners would

make payment of reasonable interest to the complainant on the due amount from the date of payment till today.

8th October, 2018

shabha

[RAMENDRA JAIN]
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No