

S.No.217

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

CRM-M-6218 of 2019 (O&M)

Date of Decision:23.07.2019

Ranjit MasihPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- None for the petitioner.

Mr. K.S. Aulakh, DAG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.219 dated 26.09.2018 registered under Sections 420/467/468/120-B IPC at Police Station Civil Lines Batala, Tehsil Batala, District Gurdaspur.

It is the case of the petitioner that the case against the petitioner is totally concocted. Even as per the case of the complainant, the petitioner is alleged to have purchased the tractor from the complainant by giving him cheques for the amount of consideration. The cheques are stated to have bounced. Therefore, despite the fact that it was a civil dispute, the complainant has misused the process of the law by converting the same into a criminal case. Otherwise also, the Police claims to have already recovered the said tractor. The petitioner is in custody since 17.12.2018. There is no other case of any kind against the petitioner. The investigation of the case is complete and the petitioner is not required for any investigation purposes.

On the other hand, learned State Counsel, being instructed by ASI Balbir Singh submits that the petitioner has committed a patent act of cheating by taking the tractor from the complainant without paying anything

and by giving the cheques which were intended not to be encashed. However, it is not disputed that the tractor in question has already been taken into possession by the Police. It is also not disputed that the petitioner is in custody since 17.12.2018 and that there is no other case against him.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

July 23, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No