

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12056-2019

Date of Decision : August 27, 2019

Sourabh Mehta

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : None for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure in FIR No.12 dated 14.2.2018 for offence punishable under Sections 420, 120-B IPC, registered at Police Station Tibber, District Gurdaspur.

As per the allegations in the FIR, registered at the instance of Sukhbir Singh, petitioner-Sourabh Mehta and his wife Rajni Devi have committed cheating with him on the pretext of providing a visa for Portugal and has taken an amount of Rs.3,10,000/-. It is further stated that the wife of the petitioner, who is co-accused, is on bail. It is also submitted that the challan has already been presented and the case is fixed for prosecution evidence and it will take long time for conclusion of the trial as the offence is triable by the Court of Magistrate and only one prosecution witness has been examined.

Custody certificate produced by the learned State counsel is taken on record.

Learned State counsel on instructions from ASI Mohinder Singh and on the basis of the custody certificate has not disputed the factual position and submits that on the basis of the compromise, an application under Section 320 Cr.P.C. for compounding the offences is pending for 31.8.2019. He further submits that the petitioner is in custody for the last 09 months and 04 days.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last more than 09 months; the challan stands presented and the co-accused of the petitioner is already on bail, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

August 27, 2019
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