

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

(213)

CRM-M-12261-2019

Date of Decision: 12.04.2019

SANDEEP SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rahul Rampal, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab
assisted by ASI-Rawinder.

Mr. Ravi Chadda, Advocate
for the respondent-complainant No.2.

MANOJ BAJAJ, J.

Petitioner Sandeep Singh has filed this petition seeking regular bail in case FIR No. 35 dated 03.03.2018 (Annexure P-1), under Sections 406, 420 of the Indian Penal Code, Police Station Mukerian, District Hoshiarpur filed by the complainant-Mohan Lal.

As per the FIR it was alleged that a sum of ₹12,50,000/- (rupees twelve lakh fifty thousand only) was paid to the accused (petitioner) to facilitate a job for son of the complainant in Punjab Police. The amount was paid on three different occasions i.e., spread between 20.08.2016 to 30.10.2016. It was alleged that neither the amount was refunded nor the job was provided and therefore the accused has committed the offence of

cheating and criminal breach of trust.

Learned counsel for the petitioner contends that the offences punishable under Section 406 and 420 are anti-thesis of each others the ingredients to constitute the offence are entirely different. According to him the alleged occurrence is of 2016 whereas the FIR was got recorded on 03.03.2018 i.e., after a period of 01 year and 06 months. It is also pointed out that the investigation of the case is complete and *challan* stands filed on 03.04.2019 and the petitioner is in custody since 03.03.2018. The case is triable by the Magistrate.

On the other hand learned counsel for the respondent-complainant No.2 has vehemently opposed the bail application on the ground that the petitioner has offered a sum of ₹ 5,00,000/- (five lakhs only) to settle the dispute however he has retracted from that. However, it is not disputed by the learned State counsel that the investigation is complete and the *challan* stands filed. Reliance is also placed upon the order dated 23.08.2018 whereby the concession of interim anticipatory bail granted came to an end with the dismissal of the application bearing CRM-M-20120-2018 .

At this stage learned counsel for the petitioner contends that he had approached the Hon'ble Supreme Court for the same relief however the same was dismissed and later on the petitioner was arrested in the case. Considering the above background and the fact that the case is triable by the Magistrate and the same is likely to take some time, no useful purpose would be served by keeping the petitioner behind the bars.

Resultantly without commenting anything on the merits of the case, petitioner is ordered to be released on bail, on his furnishing bail

bonds and surety bonds, to the satisfaction of Trial Court/Duty Magistrate concerned.

The petition is allowed.

12.04.2019
tarun

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No