

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17326-2019

Date of decision: 10.05.2019

Manoj Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.R. Hooda, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Sandeep Gahlawat, Advocate and
Ms. Amandeep Kaur, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.20 dated 29.08.2018 under Sections 406, 420, 467, 468, 471, 120-B IPC, registered at Police Station Dhakoli, District SAS Nagar.

Learned counsel for the petitioner relies upon the order dated 20.12.2018 passed in CRM-M-52448-2018 and order dated 25.02.2019 passed in CRM-M-51962-2018, vide which co-accused of the petitioner namely Samiran Biswas and Sujoy Biswas have been granted the concession of regular bail. It is submitted that as per allegations in the FIR, the aforesaid persons are the main accused, who have allured the complainants for giving some money on account of providing job in Vistara Airlines and cheated them.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 29.08.2018, challan stands presented and he is not required for custodial interrogation. Learned counsel has also drawn attention towards

the order dated 26.03.2019 passed by the Addl. Sessions Judge, SAS Nagar, dismissing the regular bail application of the petitioner, vide which costs of Rs.5,000/- was imposed and submits that the petitioner is a poor person and is not in a position to deposit the costs of Rs.5,000/- and the same may be exempted.

Learned State counsel, on instructions from ASI Gulshan Kumar and assisted by learned counsel for the complainant, has however submitted that next date before the trial Court for framing the charge is 15.05.2019. It is further submitted that other accused are not appearing and are moving exemption applications and they are not allowing the trial to proceed further.

After hearing learned counsel for the parties and without commenting anything on merits of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

The order dated 26.03.2019 passed by the Addl. Sessions Judge, SAS Nagar, to the extent of imposing of costs of Rs.5,000/-, is set aside.

However, it will be open for the prosecution to move an application before the trial Court seeking cancellation of bail of two co-accused, who, in the opinion of the trial Court, are not appearing, without any justified reasons.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

10.05.2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No