

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

CRM-M-20760 of 2019
Date of Decision: 25.09.2019

Sukhwinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.S. Rangi, Advocate
for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Mr. Ramneek Vasudeva, Advocate
for the complainant.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C. seeking bail pending trial in case FIR No. 80 dated 17.04.2018, under Sections 406, 420 & 506 of the Indian Penal Code and Section 24 of the Immigration Act, 1924, registered at Police Station City Kharar.

Learned counsel for the petitioner contends that the petitioner is in custody since 16.03.2019 and charges were framed on 27.08.2019. There are total 17 prosecution witnesses, but none has been examined till date. Further contends that as per the allegation of the prosecution itself, the payment is alleged to have been made during the period 09.01.2013 to 20.11.2014 and the present FIR has been registered on 17.04.2018 i.e. after a period of more than four

years. Also contends that there is no material at all on record to prove that the petitioner has received any amount from the complainant.

Per contra learned State counsel on instructions from ASI Surinder is not in a position to refute the contention raised on behalf of the petitioner.

Learned counsel for the complainant has opposed the bail and submitted that more than Rs. 19,00,000/- has been received by the petitioner being a travel agent and the complainant has been cheated.

Heard learned counsel for the parties and perused the paper book.

Concededly, the petitioner is in custody since 16.03.2019, the report under Section 173 Cr.P.C. has already been submitted and charges have been framed on 27.8.2019. There are total 17 prosecution witnesses, but none has been examined. Learned State counsel has fairly stated that there is no material collected during investigation to connect the petitioner regarding the receipt of alleged amount from the complainant. Also to be noticed that there is no material on record to substantiate that petitioner is a travel agent. Since the trial is likely to take a long time to be concluded and as such no useful purpose would be served by keeping the petitioner behind the bars any more.

In view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is allowed. Petitioner-Sukhwinder Singh be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the

learned trial Court/Duty Magistrate concerned.

However, it is made clear that above observations may not be construed as an expression of opinion on the merit of the case pending before learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

September 25, 2019
rashmi

Whether speaking/reasoned	Yes/no
Whether reportable?	Yes/no