

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

**CRM-M-20444-2019
Date of decision: 09.09.2019**

Shakir Khan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ranjit Sharam, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Amanpreet, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 91 dated 18.08.2017, registered under Sections 420 and 120-B of the IPC at Police Station Bhikhi, District Mansa.

Learned counsel for the petitioner submits that the main accused, namely Amandeep Sharma @ Mintu, whom the complainant has handed over the gold for the purpose of worshipping the same, has already been granted concession of regular bail on 06.09.2019 by this Court by passing the following order in CRM-M-25549-2019:

“Learned counsel for the petitioner submits that as per the allegations in the FIR, the complainant is a commission agent and the petitioner is involved in performing certain rituals and she is locally treated as a mother (*Mata*). It is further stated in the FIR that the petitioner has made a separate temple in two rooms of her rented house and the petitioner told the complainant that some treasure is lying in his house and it needs to be

worshipped and in that process, the complainant was asked to bring 23 Tolas of gold and thereafter, the petitioner, by digging the earth, has put the same therein and the complainant was told that it should be opened only after 51 days. It is further stated in the FIR that the petitioner thereafter told that two members of the family of the complainant should go on a religious pilgrimage and in that process, an amount of Rs. 6.5 Lakh was taken as donation. When, after completing the pilgrimage, they returned back, they found that the petitioner along with her husband and daughter has left for unknown place. On checking the place, where aforesaid 23 Tolas of gold were kept, the same was also found missing.

Learned counsel for the petitioner submits that the allegations levelled against the petitioner are yet to be proved and she is in judicial custody for the last about five months.

Learned counsel for the petitioner further submits that the challan has already been presented and since the offences are triable by the Court of a Magistrate, the conclusion of the trial is likely to take a long time.

Learned State counsel, on instructions from ASI Nachhattar Singh, assisted by learned counsel for the complainant, has, however, opposed the grant of bail to the petitioner on the ground that the petitioner is involved in two more FIRs.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that challan has already been presented; the petitioner is no more required for any investigation; petitioner is in judicial custody for the last about five months; conclusion of the trial may take some time being magisterial trial and also in view of proviso (ii) to Section 437(1) Cr.P.C., the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.”

Learned counsel for the petitioner further submits that the case of the petitioner is identical to the case of aforesaid co-accused Amandeep Sharma @ Mintu and he is not involved in any other case.

Learned State counsel, on instructions from ASI Rajinder Singh, assisted by learned counsel for the complainant, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact petitioner is in judicial custody since 29.03.2019; he is not involved in any other case; co-accused has already been granted concession of regular bail as noticed above and also in view of the fact that conclusion of the trial may take some time being magisterial trial, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

09.09.2019
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No