

CRM-M-45102-2018 (O&M)

Date of decision:12.03.2019

Surinder Pal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Vinod Kumar, Advocate
for the petitioner.

Mr. Amandeep S. Gill, Senior DAG, Punjab.

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RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.11 dated 17.01.2018 under Sections 420, 406 of IPC, registered at Police Station Mukerian, District Hoshiarpur.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. The allegation against the petitioner is that the petitioner had taken Rs.15 lakhs for sending the son of the complainant abroad. However, there is nothing to substantiate to this allegation. Still further, it is contended by the counsel for the petitioner that the complainant has even been examined before the trial Court. However, still no document has been placed on record to show that money was in fact received by the petitioner. It is further submitted by the counsel that in any case, since the trial is already going on and the petitioner is in custody since 21.04.2018, therefore, no purpose would be served by keeping the petitioner in custody any more. The petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, learned State counsel, being instructed by ASI Dilbagh Singh, submits that the complainant has categorically deposed before the trial Court that he had even sold his land for giving the money to the petitioner. The complainant has specifically named the petitioner, who has received the money for sending his son abroad. However, it is not denied that the complainant has already recorded the statement before the Court and that the petitioner is in custody since 21.04.2018.

In view of the above, but without commenting any further on merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

12.03.2019

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No