

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

**CRM-M No. 26798 of 2019
Date of Decision:-04.07.2019**

Sukhwinder Singh @ Sukh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Amit Arora, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner Sukhwinder Singh @ Sukh has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.32 dated 24.5.2006, under Section 420 IPC, registered at Police Station Ramdass, District Majitha, District Amritsar. The petitioner is in custody since his arrest on 03.4.2019.

As per the version of the prosecution in the FIR, complainant Amarbir Singh gave Rs.3,50,000/- to petitioner and his co-accused for sending him abroad (Greece), but neither they sent him abroad nor returned the amount to the complainant.

Learned counsel for the petitioner contends that the case is triable by the Magistrate and the petitioner was falsely implicated in the case. He further contends that after a gap of almost 10 years, the petitioner

has been arrested in this case on 03.4.2019. He submits that the case of the petitioner is at par with co-accused Kabal Singh, who, after trial, stands acquitted by the trial Court vide judgment dated 10.2.2011. He submits that the trial will take sufficient time to conclude. He prays that the petitioner be released on regular bail pending trial. It is also pointed that the petitioner is not involved in any other case.

Learned State counsel, who is assisted by ASI Baljit Singh opposed the prayer for grant of regular bail to the petitioner on the ground that the petitioner was a proclaimed offender. However, it is not disputed that the case of the petitioner is at par with co-accused, namely, Karambir, who stands acquitted by the trial Court vide judgment dated 10.2.2011.

Considering the nature of the offences, which are triable by Magistrate and the fact that the trial is yet to commence, which is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

July 04, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No