

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-35446 of 2019
Date of Decision: 03.09.2019

Davinder Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jagdish Singh Mahal, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.69 dated 23.05.2019 registered for offences punishable under Sections 406, 420 of Indian Penal Code (for short, "IPC") and 24 of Immigration Act, at Police Station Bullowal, District Hoshiarpur.

Heard.

Notice of motion.

On asking of the Court, Mr. Avtar Singh Sandhu, Addl. A.G. Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per allegations in the FIR, petitioner agreed to send and settle complainant in America after receiving ₹25,50,000/-. He received the aforesaid amount but took him to Malaysia and Thailand and returned ₹2,80,000/- to complainant. He embezzled the remaining amount received by him.

Learned counsel for the petitioner submits that there was a dispute with brother of complainant regarding agreement to sell alleged to have been executed by the petitioner in his favour in October, 2017 and a civil suit filed by brother of complainant is pending. This FIR has been got registered after filing of that suit by brother of complainant.

Learned State counsel submits that agreement was executed by the petitioner as security for the amount of ₹25,50,000/- received by him. The police during investigation has collected evidence that the petitioner had taken complainant to Malaysia and Thailand from where he returned.

The petitioner was arrested in this case on 10.06.2019. After completion of investigation challan has been presented against him in Court.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Davinder Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

September 03, 2019
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No