

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

**Crl. Misc. No.M-45888 of 2019 (O&M)
Date of Decision: December 18, 2019**

Balwinder SinghPETITIONER

VERSUS

State of PunjabRESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Harmandeep Singh Mann, Advocate
for the petitioner (s).

Mr. Amitoj Singh Dhaliwal, D.A.G., Punjab.

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. 292 dated 17.12.2018 registered for the offences punishable under Sections 420, 406, 506, 294 read with Section 120-B of Indian Penal Code at Police Station City Faridkot, District Faridkot.

As per the case of prosecution, the petitioner is a taxi driver. His wife-Paramjit Kaur is in the business of advancing loan on mortgage of gold. The complainant had given her 15 tolas of gold and cash amount of ₹1 lakh to her on the promise to return the same after some time. There was rumor in the city that she along with her family members are about to flee. The complainant approached Paramjit Kaur and her daughter Arshdeep Kaur, who refused to return her money and gold and openly proclaimed that they had cheated her. Both abused them and also threatened to kill them.

Learned State counsel submits that during investigation it has transpired that Parmajit Kaur inconnivance with her daughter and husband had deceived number of persons to the tune of ₹3 crores. Though, the petitioner had no role in dealing with the complainant but he was conniving with his wife and daughter in deceiving her and the public.

The petitioner was arrested on 15.06.2019. After completion of investigation, the challan against him has been presented before the Court. As per allegations, he had no direct dealings with the complainant or any of the other persons, who have been deceived.

Keeping in view the above facts but without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner Balwinder Singh is ordered to be released on regular bail on his furnishing bail bond and surety bond to the satisfaction of concerned 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

December 18, 2019
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No