

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

**CRM-M No. 47542 of 2019
Date of Decision:-13.11.2019**

Ramesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Ramesh Kumar has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 89 dated 28.6.2019, under Sections 406 and 420 IPC and Section 12 of the Passport Act, 1967 and Section 13 of the Travel Professional Regulation Act, 2014, registered at Police Station Navi Baradari, District Jalandhar. The petitioner is in custody since his arrest on 27.9.2018.

The FIR was registered on the complaint by Daler Singh, wherein it was alleged that after seeing the advertisement of the company 'The Study Express' on television, he contacted the owner of the company, namely Kapil Sharma and discussed to send his son to Canada for higher

studies. On assurance of the accused persons he deposited Rs.5000/- in advance alongwith original passport and educational documents with them. After some time, MD of the company showed inability to send his son abroad, as the College had refused to give admission. After that the accused persons started lingering on the matter on one pretext or other and switched off their mobile phones. The petitioner Ramesh Kumar was indicted in the case as he was employee of the company of accused Kapil Sharma and was working as Accountant.

Learned counsel for the petitioner contends that petitioner has no concern with the offence as he was not the beneficiary and only worked as Accountant with the company of accused Kapil Sharma and Anita Sharma. He submits that the money in question was deposited in the accounts of co-accused Kapil Sharma and not with the petitioner. He submits that the offence is triable by the Magistrate and no recovery is to be effected from the petitioner. He submits that the investigation qua petitioner is complete and challan is yet to be filed and it will take sufficient time to conclude.

On the other hand, learned State counsel has opposed the prayer, however, he has not disputed that the challan is yet to be filed in the present case, but investigation qua petitioner is complete.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody 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 requisite bail bonds/surety bonds to the satisfaction

of the trial Court, Jalandhar.

The petition is allowed.

November 13, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No