

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

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**CRM-M No. 2101 of 2020 (O&M)
Date of Decision:- 23.01.2020**

Ramesh Kumar

...Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Jagmohan Singh Ghumman, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail in case bearing FIR No.81 dated 17.06.2019, registered under Sections 406, 420 and 120-B of Indian Penal Code and Section 13 of the Travel Professional Regulation Act, 2014 at Police Station Amloh, District Fatehgarh Sahib.

The allegations are that in lieu of admission in the college in Canada, the complainant had deposited the fee of Rs.5,28,490/- as demanded by the main accused Kapil Sharma and his staff member namely Hinna. Name of the petitioner did not figure in the earlier transaction between the complainant and

the main accused in which madam Hinna had played some role on behalf of office of main accused who is a travel agent. The name of the petitioner was introduced when cheque No.001018 dated 20.02.2019 of ICICI Bank, branch Jalandhar for Rs.5,28,490/- was presented for encashment and the same was dishonoured with the remarks that the account had already been closed. Thereafter, the complainant party contacted the office of main accused and assurance was given that the amount of the complainant will be returned within a period of one month. The needful was not done and the main accused stop receiving calls from the complainant party. The present petitioner attended the call at that juncture and the allegations are that he too made some false commitments.

Petitioner is in custody since 22.11.2019.

Learned State counsel on instructions from ASI Major Singh however opposed the prayer on the ground that the petitioner is also working in the office of main accused and he is also liable for the act done by the travel agent Kapil Sharma.

Learned State counsel also points out that petitioner is also involved in 6 other cases in which he is on bail.

Learned counsel for the petitioner however refutes the stand of learned State counsel on the premise that all these cases were lodged prior in point of time with same background.

The petitioner is only accountant in the company and has not

exceeded his position in any manner. The complicity of the petitioner even on the basis of the prosecution story would remain debatable as he has not played any active role in enticing the complainant or taking any money from him under some false assurance.

At this stage, without meaning anything on the merits of the case, I deem it appropriate to release the petitioner on regular bail.

In view of above, the present petition is allowed and the petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, Fatehgarh Sahib.

Nothing expressed hereinabove shall be construed to be an opinion on merits of the case.

23.01.2020
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(Raj Mohan Singh)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No