

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

205

CRM-M-5520-2020 (O&M)
Date of decision : 03.09.2020.

Saranjit @ Simmy @ Jimmy

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Karambir Singh Nalwa, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Mr. J.S. Bedi, Senior Advocate with
Mr. Rubal Garg, Advocate for the complainant.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.141 dated 20.08.2019, under Sections 420, 120-B IPC (Sections 467, 468, 471 IPC added later on), registered at Police Station Gharinda, district Amritsar Rural.

Learned counsel for the petitioner contends that the allegations against the petitioner are that he had applied for the liquor vends on his own and his family members' names instead of the name of the complainant, although it is alleged that he was paid money by the complainant to do so. It is also alleged that the petitioner had forged an agreement between him and the complainant. Learned counsel, however, contends that the applications for the liquor vends were made for the financial year 2019-20 in the month of March and the allocation thereof was also made at the end of March, 2019 and the vends were functional on 01.04.2019 but the FIR has been lodged after 05 months in August, 2019. He further contends that the FIR is an outcome of a

monetary dispute between the parties which is civil in nature and the complainant had also filed a civil suit in this regard against the petitioner. He also contends that the petitioner is in custody for over a year and was found Covid (+ve) while in jail in the month of July, 2020. The petitioner is the sole bread winner of his family which comprises his wife, three minor daughters and elderly parents. He also submits that the petitioner had earlier been declared as a proclaimed offender in two cases and in one of those cases, the FIR had been quashed on the basis of compromise while in another case, co-accused, namely, Ranjit Bajaj was acquitted by this Court. These FIRs pertain to the years 1996 and 2000 when the petitioner was about 19 and 23 years of age. He also submits that the petitioner had gone abroad on passport in the name of Gursameep Singh and on his return, he had changed his name to Saranjit Singh and has only one passport at present in the name of Saranjit Singh. The petitioner was allegedly involved in a brawl in a pub at California, USA.

Learned State counsel contends that although challan has been filed but charges are yet to be framed. The petitioner is in custody for 01 year and 08 days. He has referred to the affidavit filed by the Deputy Superintendent of Police, Sub Division Attari, Amritsar (Rural) dated 31.07.2020 wherein it is stated that the petitioner is a 'flight risk' and had obtained two passports.

Learned counsel for the complainant, however, contends that in view of the background and antecedents of the petitioner, he does not deserve the concession of regular bail especially when the allegations against him are of embezzling over ₹2 crores of the complainant.

Heard through video conferencing.

In view of the submissions of the learned counsel for the petitioner, especially when the petitioner is in custody for over a year; the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

However, the petitioner shall surrender his passport with the trial Court and shall report to the Police Station Gharinda, district Amritsar Rural on every Monday till the conclusion of the trial. The petitioner shall also provide the number of his mobile phone, which he is using, to the police.

(ANUPINDER SINGH GREWAL)
JUDGE

September 03, 2020
sonia gugnani

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