

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8745-2020

DATE OF DECISION: MAY 14, 2020

SALIM @ SALEEM KHAN

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. N.S. DADWAL, ADVOCATE FOR THE PETITIONER.
MR. DHARUV DAYAL, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

The petitioner has filed this petition for grant of regular bail in case FIR No.0164 dated 22.10.2018 under Section 420, 406, 120-B IPC, Police Station Badani Kalan, District Moga, pending trial. The petitioner is in custody since his arrest on 2.12.2019.

As per the prosecution case, the FIR was lodged on the basis of the complaint given by complainant, namely, Dilbagh Singh wherein it was alleged that the accused persons received ₹12 lakhs from him on the pretext of sending his son Gurdeep Singh, wife of Gurdeep and their daughter, abroad. As per the allegations, the amount was paid in parts in the year 2017. According to the complainant, neither the persons were sent abroad, nor the amount was returned back. On these broad allegations, the above case was registered for the alleged commission of offences of cheating and criminal breach of trust.

Learned counsel for the petitioner contends that as per the FIR itself, the alleged amount was paid by complainant in the year 2017 to Aarif Khan, co-accused of the petitioner, whereas the FIR was lodged belatedly on 22.10.2018. He submits that the investigation of the case is complete as the

trial has commenced after framing of the charges by the trial Court on 11.2.2020. He prays that the petitioner be granted the concession of regular bail during the pendency of the trial.

Learned State counsel assisted by Paramjit Singh, Superintendent, Sub Jail, Moga and SI Harpreet Singh has opposed by the prayer on the ground that there is another case of similar nature, i.e. FIR No.48 dated 3.5.2018 under Section 406/420/120-B/210 IPC registered at Police Station Badhni Kalan. It is further pointed out that in view of the spread of pandemic COVID-19, the petitioner has already been released by the State Government for a period of 6 weeks.

After hearing learned counsel for the parties, this Court does not find any reason to decline the prayer of the petitioner as the offences are triable by Magistrate and the trial is likely to consume considerable time, in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, therefore, further custody of the petitioner 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/Duty Magistrate, concerned.

The petition is allowed.

May 14, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No