

CRM-M-15268-2020 (O&M)

Through Video Conference

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

**CRM-M-15268-2020 (O&M).
Decided on: September 22, 2020.**

Amit Jindal

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Ranbir Singh Sekhon, Advocate,
for the petitioner.**

Mr.H.S. Sitta, Asstt. A.G, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.0005 dated 7.1.2017, under Sections 420 and 120-B IPC, registered at Police Station, City Kotkapura, District Faridkot.

FIR in the present case was lodged on the basis of the allegations made in the complaint that the accused had demanded Rs.15 lacs

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by the complainant in lieu of sending the complainant to Canada and taken some amount but the accused did not do the needful and rather refused to pay back the amount. Thereafter, as per the allegations, a cheque of Rs.8 lacs was given by the accused to the complainant which was further dishonoured and the FIR in the present case was lodged.

Learned counsel for the petitioner has submitted that the petitioner has been wrongly roped in the present case on the allegations of being immigration agent and a false case has been planted upon the petitioner. He has further submitted that so far as the fact that he had given a cheque of Rs.8 lacs is concerned, the same was given under coercion and since the petitioner did not have sufficient amount in his account, the same was dishonoured. He has further submitted that challan in the present case has already been presented on 1.5.2020 and now the case is fixed for framing of charges. He has further submitted that at the most, it is a case of civil liability and investigation in the present case is complete. He states that the petitioner is in custody since 6.3.2020 and is not involved in any other case except a similar FIR which was lodged by an inhabitant of the same village on similar grounds in connivance with both the complainants. Learned counsel for the petitioner, therefore, prays that the petitioner be released on bail.

Per contra, learned State counsel has submitted that in the present case, the petitioner had demanded Rs.15 lacs and some amount was paid and has not returned the same which constitutes an offence. He has further submitted that when the FIR was lodged, petitioner remained in

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Delhi and was declared a proclaimed offender and thereafter, he was arrested on 5.3.2020. However, learned State counsel has not denied the custody period of the petitioner as per the custody certificate placed on record. He also not denied that investigation in the case is already complete and the challan stands presented.

I have heard the learned counsel for the petitioner as well as the learned State counsel through video conference.

So far as the custody period of the petitioner is concerned, there is no dispute with regard to the same and so far as the pendency of another FIR is concerned, the same is on similar grounds by another inhabitant of the village and the petitioner is not involved in any other case.

Learned counsel for the petitioner has also brought to my notice the orders passed in CRM-M-13384-2020, and CRM-M-13210-2020, whereby the co-accused who is wife of the petitioner has been granted bail by a Coordinate Bench of this Court. Pendency of another case on the allegations of similar nature on similar ground by an inhabitant of same village in a similar format cannot per se dis-entitle the petitioner for the grant of regular bail.

So far as the fact with regard to petitioner being remained a proclaimed offender is concerned, learned counsel for the petitioner has submitted that the petitioner was not even aware of the lodging of the FIR and therefore, the proceedings were at his back and the same fact cannot be a ground to deny the petitioner the concession of regular bail.

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Learned counsel for the petitioner has also brought to my notice that another co-accused who is the wife of the petitioner has already deposited Rs.2 lacs as security and therefore, for the purpose of deciding the present petition for regular bail, further security may not be required.

Consequently, considering the totality of the circumstances and keeping in view the custody period of the petitioner and also keeping in view the fact that the present case is triable by a Magistrate, I deem it fit and appropriate to admit the petitioner on bail. The present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the concerned trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

September 22, 2020.
raj arora

JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No