

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17337-2020

Date of Decision: 17.07.2020

Gurjinder Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rakesh Kumar, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.29 dated 05.07.2019 registered under Sections 420/467/468/471 IPC, 1860 at Police Station Behrampur, District Gurdaspur. The petitioner is in custody since his arrest on 12.11.2019.

The FIR was registered on the basis of complaint given by Ajmer Singh and the allegations as noticed by the Addl. Sessions Judge, Gurdaspur in the order dated 28.05.2020 are as under:

“Brief facts of the prosecution case are that the present case has been registered on the basis of application moved by complainant Ajmer Singh son of Harbans Singh to DGP Punjab Chandigarh against accused/applicant Gurjinder Singh @ Lucky. As per the allegations accused induced complainant to send his son Ajay Salaria at Canada and for this purpose he demanded Rs. 15 lacs from him. On 22.07.2018 accused/applicant telephonically informed complainant that he got the VISA of his son. On 02.08.2018

Gurjinder Singh applicant/accused, his son Jeewenjot came in the house of complainant and they received Rs.15 lacs in the presnce of Palwinder Kaur wife of Gurdeep Singh, Rita Salaria wife of complainant, Jodh Singh son of Harbans Singh and Surjit Singh son of Amar Singh. But thereafter accused neither return their amount nor send son of complainant at abroad.”

Learned counsel for the petitioner contends that the offences are triable by the Magistrate and the trial is likely to consume considerable time in the ongoing pandemic, namely, COVID-19, therefore, further custody of the petitioner may not be necessary. He submits that the investigation of the case is complete and no useful purpose would be served by keeping him behind the bars. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, Ms. Monika Jalota, DAG, Punjab assisted by SI Tara Singh, has opposed the prayer on the ground that the petitioner is involved in two other similar cases. According to her, in all there are 26 witnesses, but only complainant has been examined so far as PW-1. It is further pointed out by her that after recording the examination-in-chief of the complainant, an application under Section 319 Cr.P.C. filed to summon additional accused was allowed by summoning one more person as an accused.

At this stage, learned counsel for the petitioner has pointed out that in other two cases, the petitioner is on bail.

Considering the above background and the custody of the petitioner, this Court does not find any reason to decline the prayer of the petitioner as the trial is likely to consume considerable time to conclude, 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. The petitioner after his arrest on 12.11.2019 is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Gurdaspur.

The petition is allowed.

17.07.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No