

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM-M-31317-2020 (O&M)

Date of decision: November 09, 2020

Vishal Sahota

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. A.S. Manaise, Advocate for the petitioner.

Mr. H.S. Multani, Asstt. Advocate General, Punjab,
assisted by Mr. Sachin Ohri, Advocate for the complainant-Baby.

Ashok Kumar Verma, J.

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

The petitioner seeks regular bail in a petition filed under Section 439 Cr.P.C. in FIR No. 28 dated 30.01.2020 under Sections 420, 465, 467, 468, 471, 120-B IPC and Section 13 of Punjab Travel Professionals Act, 2014, registered at Police Station Dinanagar, District Gurdaspur.

Learned counsel for the petitioner has submitted that from the contents of the FIR, no offence of cheating, as envisaged under Section 420 IPC, was made out against the petitioner; the petitioner is in custody since 24.07.2020; he has already deposited a demand draft of Rs.1.00 lac in the name of the complainant (being 50% of the amount which was transferred in his name) in order to show his bonafide, in compliance of the order passed by this court on 12.10.2020.

On the other hand, learned State counsel assisted by counsel for the complainant has argued that the petitioner had received the amount of Rs.2,50,000/- in all from the complainant on the pretext of sending her abroad for permanent residency.

It is a question of debate to be determined during the course of trial as to whether offences in question against the petitioner are made out or not. Wife of petitioner namely, Anita Sahota has already been granted concession of regular bail by the coordinate bench of this court vide order dated 18.09.2020 (Annexure P-2). The offences in question are triable by the court of Judicial Magistrate 1st Class. The petitioner has been incarcerated since 24.07.2020. Challan has since been presented, however, the commencement of trial shall take sufficient long time due to prevailing COVID-19 pandemic, thus, no fruitful purpose would be served by keeping the petitioner behind the bars further more. The petitioner has also deposited a demand draft of Rs.1.00 lac in the name of the complainant with the Registry in order to show his bonafide in compliance of the order dated 12.10.2020 passed by the coordinate bench of this court.

Keeping in view the above, counsel has made out a case for grant of regular bail to the petitioner, since his antecedents are clean, as there is no other case of similar nature against him is pending.

Accordingly, the petition is allowed and the petitioner is directed to be released on bail to the satisfaction of Illaqa Magistrate/Duty Magistrate, Gurdaspur.

The complainant shall be entitled to receive the demand draft of Rs.1.00 lac in her name lying deposited with the Registry of this court by the

petitioner in compliance of order dated 12.10.2020, passed by the coordinate bench of this court against proper receipt and identification with the condition that the same shall be subject to final disposal of the case or any further orders passed by the trial court as the case may be.

(ASHOK KUMAR VERMA)
JUDGE

November 09, 2020
'Rajpal'

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