

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(221)

CRM No. M-34627-2020

Date of Decision : 03.11.2020

GURSHARANJIT SINGH

....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Shaurya Puri, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Ms. Renu Arora, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 143 dated 17.06.2020, under Sections 406, 420 IPC, registered at Police Station Sadar Kapurthala, District Kapurthala.

Learned counsel for the petitioner argues that the allegations alleged in the FIR by the complainant are concocted and false. Learned counsel for the petitioner submits that the complainant himself is under debt of more than Rs.2 Crores to be paid by him to the various authorities and as per the allegations alleged in the FIR, the amount of Rs. 25.5 lacs, allegedly given to the petitioner was in cash. Learned counsel for the petitioner further submits that no details of the source of the amount allegedly paid to

the petitioner has been disclosed except a bald statement that it has been borrowed from other friends. Learned counsel for the petitioner further submits that in the present case, the investigation is over and the challan has been presented and during the pendency of the trial, the petitioner be granted the benefit of regular bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of State of Punjab.

Learned State counsel submits that the investigation is over and nothing has been recovered from the petitioner during the investigation.

Learned counsel appearing on behalf of the complainant submits that the petitioner has duped the complainant to the tune of more than Rs. 25 lacs though, the statement of the learned counsel for the petitioner that the complainant is also under debt for more than Rs. 2 Crores, is not rebutted. Learned counsel for the complainant further submits that a loan was taken by the complainant from his friends, which amount was paid to the petitioner and in fact the petitioner had duped the complainant by making false promise of establishing a company in Dubai and selling rice there.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Allegations, which are being alleged in the FIR, are yet to be proved during the trial. It is conceded by the parties that investigation is over and challan has already been presented before the Court and nothing

incriminating has been recovered from the petitioner during the investigation.

In view of the above facts, as the trial is likely to take some time to conclude and the allegations alleged in the FIR are yet to be proved and no useful purpose will be served in keeping the petitioner behind the bars, petitioner is entitled for the benefit of regular bail in this case.

The petitioner be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner as the challan has already been presented and in case of default of the above undertaking, the State/complainant will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 03, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No