

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-42696-2019 (O&M)

Date of Decision:- 14.1.2020

Mohammad Mohsin

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kushagra Mahajan, Advocate, for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Mohd. Mohsin has approached this Court seeking grant of regular bail in a case registered vide FIR No.87, dated 19.8.2019, registered at Police Station Kalanaur, District Gurdaspur, under Sections 420, 120-B of IPC.
2. The FIR in question lodged at the instance of Amrik Singh wherein it has been alleged that the complainant had been cheated of an amount of ₹50 lakhs by the accused on the pretext of sending two of his

nephews to Canada. The FIR has been registered against as many as 8 accused namely Shekhar Sharma, Meena Sharma, Baldev Singh, Sunita, Mohd. Masih, Amrin Khan, Sandeep Sharma and Brijesh Dubey. As per FIR the amount in question had been handed over to accused in parts on several occasions. Shekhar Sharma is said to have received a total amount of ₹6,17,000/-; Baldev Singh is said to have received a total amount of ₹14,30,000/- and Sandeep Sharma is said to have received a total amount of ₹3 lakhs.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that although, he is arrayed as an accused in the FIR but no specific allegation has been levelled in the FIR regarding entrustment of any amount to the petitioner or as regards playing of any role in the alleged duping of the complainant.
4. The learned State counsel while opposing the petition has submitted that since the petitioner is also named in the FIR, no case for grant of bail is made out. It has further been informed that during the course of investigation it had surfaced that the accused are running their offices in Ahmedabad and Gujarat and that on the basis of misrepresentation they take huge amounts from gullible persons keen to go abroad and thus dupe them. It has been submitted that during investigation it had been found that petitioner-Mohammad Mohsin was also involved in the said racket and as such he does not deserve the concession of bail.
5. I have considered rival submissions addressed before this Court. Although, name of the petitioner figures in the FIR but no specific

role is forthcoming in the same as against the petitioner. The petitioner has been behind bars since the last about 4 ½ months. The co-accused namely Sandeep Sharma has already been granted bail by this Court vide order dated 2.12.2019. In these circumstances, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take time. The petition, as such, is accepted and petitioner-Mohammad Mohsin is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

January 14, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No