IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-44463-2019 (O&M)
Date of decision: 29.01.2020

Sandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Ms. G.K. Mann, Advocate for the petitioner.

Rana Harjasdeep Singh, DAG, Punjab.

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H.S. MADAAN, J. (Oral)

This petition for regular bail has been filed by petitioner Sandeep Singh, an accused in FIR No.0075 dated 29.07.2019 for offences under Sections 420, 467, 468, 471 and 120-B IPC, registered with Police Station Ramdas, District Amritsar Rural.

Briefly stated facts of the case as per prosecution version are that complainant Gajjan Singh son of Kashmir Singh, resident of Village Awan near Ramdas, Tehsil Ajnala, District Amritsar Rural had submitted a written complaint to the Senior Superintendent of Police, Amritsar Rural, in which he contended that he had given Rs.3 lacs to Surjit Singh of his village along with all documents for being recruited in the police. At that time Sandeep Singh was also with Surjit Singh and both of them were making reference to name of Gurjit Singh Aujla,

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MP. On receipt of that complaint, the matter was probed by holding an enquiry and it came out that Surjit Singh and Sandeep Singh (present petitioner) along with Simranjit Singh Randhawa of Muktsar had cheated complainant Gajjan Singh of Rs.3 lacs on the pretext of getting him recruited in Jail Police. They had given him a fake appointment letter, which they had taken back and then given him a cheque in the sum of Rs.3 lacs, which was forged. In that way, Surjit Singh, Sandeep Singh along with Simranjit Singh Randhawa had cheated the complainant in connivance with each other. Therefore, formal FIR in the matter was recorded. The accused was arrested in this case on 22.08.2019.

He had filed an application for regular bail before Court of Sessions, however, that application was dismissed by Addl. Sessions Judge, Amritsar, vide order dated 10.09.2019. Therefore, the petitioner has approached this Court praying for grant of similar relief.

The request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that even as per allegations in the FIR, the petitioner had not received any money or documents from the complainant and furthermore, the matter has been compromised between the parties. Complainant Gajjan Singh, PW2 Kashmir Singh, PW3 Gurpreet Singh, PW4 Jaswinder Singh have not supported the prosecution case in the trial Court. Copies of those

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statements have been placed on file. Since the conclusion of trial is likely to take some time, therefore, concession of regular bail be granted to the petitioner.

Though, learned State counsel is opposing the request for grant of bail to the petitioner but I find that from the facts and circumstances of the case and taking into view the fact that most of the prosecution witnesses including the complainant have been examined in the trial being conducted by a Magistrate, it would be proper and appropriate to grant concession of regular bail to the petitioner. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the the trial Court/CJM/Duty Magistrate, Amritsar, subject to the following conditions:-

(i) he shall appear in the Court on each and every date of hearing;

(ii)he shall not give any threat or intimidation to the prosecution witnesses; and

(iii)he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

29.01.2020 **(H.S. MADAAN)**
sumit.k **JUDGE**

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

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