

216

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.50280 of 2019
Date of Decision: 27.01.2020**

SATINDERPAL SINGH @ LADI @ GOPI
.....Petitioner

Vs
STATE OF PUNJAB
.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.126 dated 20.08.2017, registered under Section 420 IPC at Police Station City Batala, Police District Batala, District Gurdaspur.

The initial occurrence took place in the month of August, 2014, when the petitioner along with co-accused Milap Singh and Baljit Kaur allegedly attempted to send abroad Lavmanpreet son of Amrik Singh and Simranjit Singh son of Narinder Singh. After the transactions of payment of money, the accused could not be located, even after promising the

complainant party that they would be present at Indira Gandhi Airport. At one point of time, the petitioner was declared as a proclaimed person/offender, but thereafter he was arrested and he is in custody since 27.09.2019.

Learned counsel for the petitioner submitted that the police remand of the petitioner was obtained for two days, but nothing has been recovered from him. Co-accused namely Milap Singh and Baljit Kaur have been let off by the complainant party after receiving an amount of Rs.3 lakhs. Petitioner is alleged to have issued three cheques on 14.11.2015 and the same on presentation were dishonoured by the Bank.

Learned counsel further submitted that no complaint under Section 138 of the Negotiable Instruments Act has been filed, nor any suit for recovery has been filed by the complainant party.

Learned State counsel on instructions from ASI Sukhdev Singh submitted that challan has been presented and charges have been framed on 09.12.2019. No prosecution witness has been examined so far.

Having considered the submissions made by learned counsel for the parties, I am of the *prima facie* view that the case appears to be debatable in view of the fact that the FIR came to be registered only on 20.8.2017 in respect of

occurrence which took place in August, 2014. In between there are transactions of alleged repayment by the co-accused and an attempt by the petitioner by way of aforesaid three cheques in favour of the complainant party.

The offence is triable by the Magistrate. No prosecution witness has been examined. No recovery has been effected from the petitioner despite police remand of two days.

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since 27.09.2019 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 27, 2020

Atik

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No