

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52465-2019

Date of Decision: 24.01.2020

Sadha Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vipin Mahajan, Adovcate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.71 dated 02.09.2019, under Section 420 IPC, registered at Police Station Bhaini Mian Khan, District Gurdaspur, Punjab. He is in custody since his arrest on 10.10.2019.

As per the allegations in the FIR, accused Sadha Singh and Mohan Lal had received an amount of ₹94,00,000/- from various persons on the pretext of providing job to their children in army, however, the said promise was not kept. The amount received was not returned by them even after a period of one year and six months.

Learned counsel for the petitioner contends that there is no receipt of giving money to the petitioner nor any money has been transferred in the bank account of the petitioner. It is pointed out that the alleged money was paid by the complainant in the year 2017, whereas the FIR has been registered after a gap of two years. He submits that the challan has been filed on 17.01.2020 and the charges are yet to be framed and the

trial is likely to take some time, therefore, further custody of the petitioner may not be required.

On the other hand, learned State counsel assisted by ASI Jaswinder Singh, has opposed the prayer on the ground that the petitioner has duped the complainant and others of ₹94,00,000/- on the pretext of providing job in the Army. However, it is not disputed that upon completion of investigation, challan has been presented and charges are yet to be framed.

After hearing learned counsel for the parties, this Court finds that the challan has been filed and as the offence punishable under Section 420 IPC is triable by the Magistrate, therefore, keeping in view the fact that the trial of the case is likely to consume considerable time, further custody of the petitioner is not necessary. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court Gurdaspur.

The petition is allowed.

24.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No