

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52599-2019

Date of decision: - 08.06.2020

Golden Santhan Fernandes

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Siddhesh S. Borkar, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

This petition has been taken for hearing through video conference due to Covid-19 pandemic.

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No.131 dated 09.09.2018, under Sections 406 and 420 IPC and Section 24 of the Immigration Act, 1983, registered at Police Station Mukerian, District Hoshiarpur.

Learned counsel for the petitioner argues that petitioner is a law abiding citizen and has been falsely implicated in the present case. Learned counsel for the petitioner submits that as per the allegations made in the FIR, complainant, namely, Maan Singh transferred an amount of Rs.10 lakhs in May, 2016, whereas the FIR was registered in the year

2018 and there is a delay in the registration of FIR, which itself should be a ground for the grant of bail to the petitioner, who is behind the bars since 13.08.2019.

Learned State counsel submits that the petitioner is a resident of Maharashtra and the allegations alleged against him are very serious. Learned State counsel further submits that the statement of the material prosecution witnesses are yet to be recorded and grant of bail to the petitioner at this stage can hinder the trial. Learned State counsel further submits that though the abovesaid FIR was registered in the year 2018, but the petitioner was arrested after a great difficulty in the year 2019 only and therefore, in case he is granted the benefit of bail at this stage, he is likely to abscond, which will hamper the trial as well.

I have heard learned counsel for the parties and have gone through the record.

The allegations against the petitioner are serious that the complainant was lured by the petitioner on the pretext of sending him and his son abroad and ₹10 lakhs was taken. Petitioner is a resident of Maharashtra. The argument of learned State counsel that the petitioner evaded arrest till 13.08.2019, when he was arrested after a great difficulty and after a long time, though FIR was registered on 09.09.2018, cannot be lost sight of and has to be given due weightage while considering the claim of the petitioner for the grant of regular bail. The argument that there is a likelihood that the petitioner might abscond after the grant of bail cannot be lost sight of in the facts and circumstances of this case.

Further, at this stage, the petitioner cannot be given concession of regular

bail as material prosecution witnesses including the complainant are yet to be examined and in case the benefit of regular bail is extended to the petitioner, at this stage, he is likely to influence the witnesses to hamper the trial.

In view of the above facts and circumstances, no ground is made out for the grant of regular bail to the petitioner at this stage and the present petition is accordingly dismissed.

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.

June 08, 2020
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No