

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

CRM-M-53083 of 2019 (O & M)

Date of Decision:-27.01.2020

Bhupinder Singh @ Baba

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Kuljit Singh Bal, Advocate
for the applicant-petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

Petitioner-Bhupinder Singh @ Baba has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.145 dated 16.8.2019, under Section 420 IPC, registered at Police Station Chheharta, District Police Commissionerate Amritsar.

Learned counsel for the petitioner has submitted that it is a case where FIR under Section 420 IPC has been registered on the ground that he has taken money from different people on the pretext of recruiting them on Government jobs. Learned counsel for the petitioner has further argued that on investigation it was found by the police that the petitioner had taken the money from total 21 persons. He has further stated that the FIR against him was false and he has been wrongly roped in the FIR. He has further

submitted that even otherwise also the entire amount of Rs.34,50,000/-, which is alleged in the FIR was deposited before the learned trial Court and the same has now been released on superdari to all the 21 applicants/complainants proportionately. Therefore, the alleged entire amount is now with all the 21 complainants pursuant to order passed by the learned trial Court. He further submitted that thereafter, a written compromise has been effected between all the 21 complainants and the petitioner in this regard.

Learned State counsel on instructions from Inspector Gulshan Lal states that in fact there were 21 applicants/complainants and in pursuance of the directions of the learned trial Court, all of them have already been proportionately paid the amount out of Rs.34,50,000/-. On instructions he has further stated that there is no other case pending against the petitioner and in the present case the challan has already been presented and charges are yet to be framed. He has also not disputed the factum of compromise effected in between petitioner and all the 21 complainants.

After hearing learned counsel for the parties and after perusing the record, the subject matter in the present case was qua embezzling of Rs.34,50,000/- from 21 persons on the pretext of recruiting them on Government jobs and the entire amount was confiscated by the police, which has now proportionately been distributed to the complainants under the directions of the trial Court. Learned counsel for the petitioner has argued that the petition is in custody since 05 months, the challan has already been presented after completion of investigation.

In view of the factual position and in the totality of

circumstances, further detention of the petitioner is not justified. Without commenting anything upon merits of the case and considering the custody and status of the trial, the petitioner is admitted to regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

January 27, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No