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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-908-2021

Date of decision-13.01.2021

Sattar Khan @ Tari

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amandeep Singh, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.167 dated 27.08.2020 registered under Section 420 Indian Penal Code, 1860 at Police Station Sadar Ahmedgarh, District Sangrur, Punjab. The petitioner is in custody since his arrest on 05.11.2020.

The FIR was registered on the complaint moved by Manjit Kaur wife of Labh Singh and the allegations as noticed by learned Judge, Sangrur in order dated 16.12.2020 read as under:-

“As per allegations of the prosecution, applicant/accused Sattar Khan alias Tari cheated complainant Manjit Kaur, her daughter and son-in-law Shingara Singh son of Baldev Singh and thereby

dishonestly induced them to deliver Rs.7,00,000/- for sending the daughter and son-in-law of complainant to Australia. Applicant/accused and his wife obtained Rs.3,00,000/- from them on 16.08.2019. They have also obtained Rs.10,000/- from them for applying passport of daughter and son-in-law of complainant and Rs.2,50,000/- after few days. It is also alleged that thereafter applicant/accused obtained money from them on various dates, but he has neither sent them abroad nor returned their money.”

Learned counsel for the petitioner contends that the offences are triable by Magistrate and investigation of the case is complete, therefore, further custody of the petitioner may not be necessary. He further submits that the petitioner is not involved in any other case of the similar nature. He prays that the petitioner be released on bail during the pendency of the trial.

On the other hand, learned State counsel, on instructions from ASI Vijay Kumar has opposed the prayer on the ground that the petitioner was specifically named in the FIR. However, it is not disputed by learned counsel that the investigation of the case is complete. He has further produced the custody certificate dated 12.01.201 by way of affidavit of Gurmukh Singh, PPS, Deputy Superintendent, New District Jail, Nabha, which indicates that he is not involved in any other case of similar nature.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete as the final report stands filed on 05.11.2020, however, charges are yet to be framed. Apart from it, the offence in the case is triable by Magistrate and the trial is likely to take

considerable time to conclude. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 05.11.2020 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

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 concerned.

The petition is allowed.

13.01.2021

vanita

(MANOJ BAJAJ)
JUDGE

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