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

**CRM-M No.3173 of 2021(O&M)
Date of Decision: 28.01.2021**

Baljinder Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. B.S. Sidhu, Advocate
for the petitioner.

Mr. Bhupender Beniwal, Asstt., AG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.36 dated 19.02.2018 registered under Sections 406, 420, 120-B IPC at Police station Mattaur, District SAS Nagar (Mohali).

As per allegations, the complainant Darbara Singh alleged that he had contacted a company through an advertisement. They went to World Key SCF-48, Top Floor, Phase-3B-2 on 10.06.2016 where Navdeep Kaur met them. Expenses were quoted to the tune of Rs.5 lac for sending the

complainant abroad. Complainant allegedly paid an amount of Rs.10,000/- to Navdeep Kaur on 15.06.2016 against a receipt. At the time of said payment, Najar Singh and Narinder Singh Buttar were present along with the complainant. Thereafter, on 15.07.2016, additional amount of Rs.60,700/- was also paid and passport of the complainant was also handed over to aforesaid Navdeep Kaur. After some days, an amount of Rs.2500/- was also paid, but receipt was not issued in that context. Complainant has alleged fraud against the persons operating the said business. Challan has already been presented.

Learned counsel for the petitioner submitted that the alleged payment was made to Navdeep Kaur. Petitioner is in custody since 28.02.2019. As per custody certificate, the petitioner has undergone period of 1 year, 11 months as on 27.01.2021.

Per contra, learned State counsel by referring to number of cases submitted that the petitioner has antecedent behaviour of criminal activity. The aforesaid cases have been registered one after the other and the petitioner is a habitual offender. The factum of filing the challan has been admitted, but charges have not been framed so far.

Learned counsel for the petitioner by referring to

Criminal Appeal No.153 of 2020 titled **Prabhakar Tewari Vs.**

State of UP and another decided on 24.01.2020 contended that involvement of the accused in other case cannot be a ground to refuse regular bail. He further submitted that the petitioner has been granted regular bail by the High Court in FIR No.19 dated 08.02.2018 registered under Sections 406, 420, 120-B IPC vide order dated 25.01.2021 passed in CRM-M No.932 of 2021 in similar background when the custody of the petitioner was found to be of 1 year, 11 months.

In view of aforesaid fact and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

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

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

(RAJ MOHAN SINGH)
JUDGE

January 28, 2021
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No