222.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12662-2021
Date of decision: 25.03.2021.

BALWINDER SINGH ... Petitioner

Versus

STATE OF PUNJAB .... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

Mr. H.S. Sitta, AAG, Punjab.

<u>HARI PAL VERMA, J.</u> *(Oral)*

This is second petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.201 dated 26.07.2020 registered under Sections 420, 465, 467, 468, 471, 201 of IPC and Section 13 of Prevention of Corruption Act, at Police Station Division A, District Amritsar.

Since the offence under Section 13 of the Prevention of Corruption Act, 1988 has been added in the case and the earlier petition i.e. CRM-M-40828-2020 was filed by the petitioner without incorporating that Section, the same was dismissed as withdrawn vide order dated 11.02.2021, however, with liberty to file fresh one by incorporating the newly added section.

As per FIR, the petitioner being colleague of the complainant introduced the complainant with the accused Sachin Sharma, who was running a travel agency under the name and style of 'Green Life Immigration Company'. In order to send the daughter of sister-in-law and son of complainant to Canada, they took Rs.38,65,000/- and cheated the complainant. They opened one account in the name of their class IV employee Vishal under the name Vishal Forex. They had already taken signed cheques from Vishal and from that account, they withdrew Rs.32 lakhs and Rs.2,50,000/- was directly deposited in the account of the present petitioner.

Counsel for the petitioner has argued that the petitioner was colleague of the complainant and had advanced some loan to the complainant and this amount was returned by the complainant to the petitioner, thus has come in his account.

Learned State counsel has not disputed the custody. However, he submits that there was no occasion for the complainant to transfer the amount in the account of the present petitioner but for the reason that the petitioner has facilitated for sending the daughter of sister-in-law and son of the complainant to Canada.

I have heard learned counsel for the parties.

Petitioner is in custody since 16.09.2020. The allegation against the petitioner is that Rs.2.5 lakhs has been transferred in the account of the petitioner. A substantial amount has been allegedly paid to Sachin and other co-accused.

Considering the custody and the allegation that Rs.2.5 lakhs has been transferred in the account of the petitioner, trial is not likely to be concluded in the near future and further, no other case has been pointed out against the petitioner, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

25.03.2021
sanjeev

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