

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-16985-2021 (O&M)

DATE OF DECISION: JULY 26, 2021

SUSHIL KUMAR GANDHI

...PETITIONER

VERSUS

STATE OF U.T., CHANDIGARH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. ANTER SINGH BRAR, ADVOCATE FOR THE PETITIONER.
MR. Y.S. RATHORE, ADDL.P.P. FOR U.T., CHANDIGARH.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.248 dated 24.10.2019, under Section 420 IPC, Police Station East, Sector 26, Chandigarh. The petitioner is in custody since his arrest on 27.11.2019.

The allegations contained in the FIR as noticed by the Addl., Sessions Judge, Chandigarh, in the order dated 8.4.2021, are as under:-

“Present FIR has been lodged on the ground that the applicant accused had agreed to sell his Fortuner Car to the complainant for Rs.10 lakh. A sum of Rs.2.5 lakh was paid to the accused through cheque and remaining sum of Rs.7.50 lakh was given in cash. On receiving the entire sale amount the applicant-accused did not deliver the possession of the vehicle in question to complainant and instead absconded by changing his address.”

Learned counsel for the petitioner has argued that the petitioner is aged 62 years and behind the bars for the last more than 1½ years. He has further argued that offence committed is triable by Magistrate which is not progressing and is likely to consume considerable time. He prays that the

petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by SI Puran Singh has opposed the aforesaid prayer on the ground that the petitioner has cheated the complainant worth lakhs of rupees. It is pointed out that the petitioner is involved in various other cases.

At this stage, learned counsel for the petitioner has invited the attention of the Court to the custody certificate (Annexure P-7) and submitted that the petitioner being accused in other cases including under Section 138 Negotiable Instruments Act, 1881 has been released on bail.

Considering the above background and the nature of offence, and the fact that the offence committed is triable by Magistrate, this Court is of the opinion that the trial is likely to consume considerable time to conclude. Thus, further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 27.11.2019.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

July 26, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No