

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207 - CRM-M-21610-2021
Date of Decision: 07.06.2021

Jaswant Singh @ Pohli

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. JS Ghumman, Advocate for the petitioner

Mr. HS Sitta, AAG Punjab

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioner Jaswant Singh @ Pohli aged 45 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.185 dated 26.06.2007 under Section 420 IPC registered at PS Nakodar (Sadar), District Jalandhar.

Learned counsel for the petitioner submits that the allegations against the petitioner is that the petitioner had sent the complainant Ajit Pal Singh to Spain after taking Rs.3,50,000/- but he was repatriated within 3 months. It is contended that neither details of any money paid to the petitioner have been given by the complainant nor has the complainant brought on record any agreement or document to substantiate his allegations. Counsel further urges that even if there was any deal between the petitioner and the complainant, it would not amount to 'cheating'.

Learned State counsel has opposed the prayer made by the petitioner on merits. He submits that the petitioner was found involved in two more cases of similar nature; he was on run for 13 years; and he had

absconded and as such was declared as proclaimed offender on 27.02.2008. Learned State counsel apprehends recurrence of such offence by the petitioner if he is let off.

Learned counsel for the petitioner submits that the petitioner was arrested on 19.03.2021. Learned counsel further submits that he has instructions from the petitioner and his family members that they would give an undertaking that the petitioner would not involve himself in any criminal case after today; they, in order to show their *bona fides*, would deposit an FDR in the name of the petitioner for an amount of Rs.3.50 lakhs with the trial Court.

It is then submitted that due to the present COVID-19 situation also, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the facts noticed above, the present situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds.

In view of the peculiar circumstances as noticed above, in addition to bail bonds/additional surety which the trial court may further require the petitioner to furnish as it deems appropriate, in pursuance to the offer made by his counsel, the petitioner would (i) give an undertaking that he would not involve himself in any criminal case after today; (ii) in order to show his *bona fides*, and as offered by his learned counsel, the petitioner would deposit an FDR for an amount of Rs.3.50 lakhs in his own name with

the Trial Court/Duty Magistrate concerned and give an undertaking which shall be duly sent to the Bank that the said FDR shall not be encashed by anyone.

It is also made clear that, in case, the petitioner is subsequently found involved and guilty in any other case (after today), the aforementioned FDR shall be forfeited and will be deposited in the Government Treasury. The same shall be without prejudice to defence of the petitioner before the trial Court. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

07.06.2021

vishal shonkar

- 1. *Whether speaking/reasoned?*
- 2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No