

221

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.21835 of 2021 (O&M)

Date of decision: 28.06.2021

Mukesh Puri

....Petitioner

Versus

State of U.T., Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.S. Barnala, Advocate
for the petitioner.

Mr. A.M. Punchhi, P.P, U.T., Chandigarh
with Mr. Anupam Bansal, APP, U.T., Chandigarh.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.338 dated 18.12.2011, for offence punishable under Sections 419/420/474/468/34 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Sector 36, Chandigarh.

Counsel for the petitioner has submitted that the petitioner is in judicial custody since 18.03.2021 and the investigation is complete. It is further submitted that as per the version of the prosecution, on 18.12.2011, ASI Gurdeep Singh received a tip that a person namely Aman Kumar, impersonating himself as Assistant Commissioner of Police of Central Bureau of Investigation, is duping the persons by taking money on the pretext of providing job. It is further stated that Aman Kumar was having a gunman by the name

CASE HEARD THROUGH VIDEO CONFERENCING

Vikram Puri along with the driver namely Goldy and they are travelling in a Innova car. On receiving the information, the police party raided the accused persons and recovered fake documents like identity card along with ATMs, police uniforms, etc. It is further argued that in fact it is the petitioner, who has given the complaint that he himself is a victim, who has been cheated by Aman Kumar whereas in the investigation, he was shown to be the gunman of Aman Kumar. It is also submitted that the petitioner was never arrested in the case though he has been giving complaints and in the investigation, it was found that it was Aman Kumar, who was the main accused. It is further submitted that one Jaswinder Singh, who according to the prosecution was found to be the driver of Aman Kumar, faced the full length trial and vide judgment dated 10.11.2017, he was acquitted by the trial Court.

Counsel for the petitioner has further argued that since the petitioner was under the impression that he is the complainant in the case, therefore, he was never arrested by the police, however, later on, he came to know that he has been declared as proclaimed offender way back in the year 2013. Lastly, it is argued that the petitioner is ready to deposit the costs of Rs.50,000/- with the Punjab & Haryana High Court Bar Association Welfare Fund, on account of delaying the investigation and trial of the case.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner has been absconding from the Court proceedings for a considerable long time and he was an aide of

CASE HEARD THROUGH VIDEO CONFERENCING

the main accused Aman Kumar, who is yet to be arrested and he has also been declared as proclaimed offender.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last about 03 months; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail bonds and two surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate and on deposit of costs of Rs.50,000/- with the Punjab & Haryana High Court Bar Association Welfare Fund.

The deposit of costs of Rs.50,000/- with the Punjab & Haryana High Court Bar Association Welfare Fund, shall be a pre-condition before accepting the bail/surety bonds of the petitioner.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

28.06.2021

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No