

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

**CRM-M-23204-2021
Date of decision: 05.10.2021**

Sohan Lal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Munish Behl, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 55 dated 25.05.2019, registered under Sections 420, 465, 467, 468, 471, 201 and 120-B of the IPC at Police Station Khanauri, District Sangrur.

Learned counsel for the petitioner submits that the FIR was registered at the instance of complainant Sharanjit Kaur with the allegations that petitioner Sohan Lal, co-accused Baljit and Malkit have committed the offence of cheating and the petitioner has told that his brother-in-law is a Judicial Officer, residing at Jind, and he can help the complainant in procuring a job of Clerk in a Court. Thereafter, the complainant consulted one Jagpal and with the help of Jagpal, the amount was transferred in the account of the petitioner.

Learned counsel further submits that the petitioner was arrested on 16.11.2020 and a period of more than 10 months has lapsed and despite the *challan* having been presented, the trial is not progressing as no prosecution witness has been examined so far.

Learned counsel further submits that as per allegations in the FIR, the complainant and other victims have paid the amount to Jagpal and Jagpal has further transferred the same to the account of the petitioner and there is no direct dealing between the petitioner and victims. It is also submitted that said Jagpal has not been arrayed as an accused in this case.

Learned counsel further argues that co-accused of the petitioner, namely Baljit and Malkit, have already been granted concession of regular bail.

Learned State counsel, on the basis of the affidavit of the Investigating Officer, has opposed the prayer of the petitioner by submitting that during investigation, it has come that said Jagpal has transferred an amount of Rs. 15,50,000/- through RTGS to the account of petitioner and has also paid him some amount in cash.

Learned State counsel further submits that 14 witnesses have come forward and have made statement that they have paid amount to Jagpal, who has further transferred the same to petitioner.

A perusal of the custody certificate shows that said Jagpal and other victims have filed a complaint against the petitioner under Section 138 of the N. I. Act and except that there is no pending case against the petitioner.

After hearing learned counsel for the parties, without

commenting anything on the merits of the case, considering the fact that offences are triable by the Court of a Magistrate; the petitioner is in judicial custody for the last more than 10 months and he is not involved in any other FIR and also in view of the fact that conclusion of trial is likely to take a long time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

05.10.2021
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No