

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25519-2021

DATE OF DECISION: JULY 9, 2021

RAJ KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. GURJINDER SINGH, ADVOCATE
FOR MR. AVINASH MANDLA, ADVOCATE
FOR THE PETITIONER.

MR. RAMANDEEP SANDHU, SR.DAG, PUNJAB.

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.92 dated 29.4.2021, under Section 406, 420 IPC, Police Station City Nawanshahar, District SBS Nagar. The petitioner is in custody since his arrest on 4.6.2021.

The FIR was registered on the basis of complaint dated 25.1.2021 made by Manjit Singh alleging that Raj Kumar took an amount of Rs.5 lakhs on account of making driving licence and sending him abroad, whereas nothing had been done for the last one year. Neither he was sent abroad nor his money was returned, rather Manjit Singh issued life threats. He further stated that despite various efforts, Manjit Singh was untraceable. On these broad allegations, present FIR was registered.

Learned counsel for the petitioner contends that the FIR in the present case has been registered belatedly, i.e. after a delay of 3 years. He further contends that as per the allegations, ₹5 lakhs were taken by the petitioner from the complainant on the pretext of making his driving licence and sending him abroad, but no convincing evidence has been brought on

record to connect the petitioner with the alleged transaction. According to him, as the offence are triable by Magistrate and the investigation of the case is complete and the challan stands filed, therefore, further custody of the petitioner may not be necessary. 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 ASI Jaswinder Singh has opposed the aforesaid prayer on the ground that the petitioner is the sole accused who has been specifically named in the FIR. However, it is not disputed that the investigation of the case is complete and challan stands filed on 16.6.2021.

Considering the above background, nature of offences which are triable by Magistrate and the fact that the investigation of the case is complete and the challan stands filed, this Court is of the opinion that the trial of the case 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 4.6.2021.

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 9, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No