

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-30585-2021 (O&M)

Date of Decision:- 30.11.2021

Shubham Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Tejinder S. Salana, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered vide FIR No.68, dated 24.3.2021, Police Station mandi Gobindgarh, District Fatehgarh Sahib, under Sections 406, 420 IPC.
2. The FIR in question was lodged at the instance of Ranvir Singh wherein it is alleged that he as well as petitioner Shubham Sharma are classfellows and had studied together at school. In the year 2019, Shubham Sharma represented that he could get the complainant

recruited in Punjab Police and on the said pretext made the complainant part with an amount of Rs.4.5 lakhs but never got the complainant recruited and had thus cheated him.

3. Learned counsel for the petitioner has submitted that it is infact a case of some monetary transactions between the petitioner and the complainant which has been given the colour of a criminal case. It has been submitted that the bank transaction is for an amount of Rs.2.32 lakhs which had been credited in the account of the petitioner from the account of complainant's friend Vikramjit Singh. Learned counsel has submitted that in any case the petitioner in order to show his *bona fide* is willing to deposit an amount of Rs.1 lakh before the trial Court.
4. Opposing the petition, learned State counsel has submitted that since specific allegations of cheating have been levelled against the petitioner, no case for grant of bail is made out particularly when the allegations also stands substantiated from the bank transaction in the account of the petitioner. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 7 months and 13 days and that challan already stands presented. It has been informed that charges are yet to be framed and that as many as 25 PWs have been cited. It has also been informed that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has been behind bars for a

substantial period of 7 months and 13 days and otherwise has a clean record, his further detention would not be justified particularly in view of the fact that conclusion of trial is likely to take time as the trial has not even commenced till date. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. The aforesaid order shall, however, be subject to the petitioner depositing an amount of Rs.1 Lakh before the trial Court within 10 days from today. Upon such amount being deposited, the trial Court/Illaq Magistrate shall get the same invested in some FDR with the specific direction to the Bank Manager concerned not to entertain any request for encashment except an order of the Court. In case, the petitioner is found innocent and is acquitted and such acquittal attains finality, he shall be entitled to the proceeds of the FDR. However, in case he is found guilty and his conviction attains finality, it is the complainant who shall be entitled to the proceeds of such FDR.

30.11.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No