

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

CRM-M No.35681 of 2021 (O&M)

Date of Decision:08.11.2021

(Heard through VC)

Kaleem Pasha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Chandan Singh Rana, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.258 dated 17.09.2018 registered under Sections 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Division No.6, Ludhiana.

Learned counsel appearing on behalf of the petitioner herein would contend that the FIR came to be registered on the basis of a complaint filed at the behest of one Ranbir Bakshi wherein it was stated that the complainant had been fraudulently induced to enter into transactions to export rice worth USD 247008 by Mr. Ashiq Ali Nathani. He also issued a letter of credit for the said amount of Axios Credit Bank Limited, Singapore, which Bank never existed. It is submitted that the petitioner herein namely Kaleem Pasha was a Manager of the company and on the direction of Mr. Ashiq Ali Nathani, he issued a cheque for a sum of AED 9,07,260, which is equivalent to USD 247008, which cheque was dishonoured by the Bank and the petitioner stood convicted in Dubai and has undergone the said sentence. It is further submitted that in the said case, which has been registered against

the main accused Mr. Ashiq Ali Nathani, who escaped from Dubai to India, the investigation is complete but charges are yet to be framed.

Learned counsel for the petitioner would further urge that the petitioner has been in custody since 19.04.2019 and as on date, the trial is not proceeding and therefore, would be entitled to grant of regular bail keeping in view the length of custody and the fact that the investigation is complete. It is also argued that other than the case where he has already been incarcerated for a period of two years at Dubai, there is no other case pending against the petitioner.

Learned counsel appearing on behalf of the respondent-State opposes grant of regular bail to the petitioner by contending that the petitioner herein is a co-conspirator along with Mr. Ashiq Ali Nathani, who induced the complainant to export rice.

I have heard learned counsel for the parties and have perused the paper book. Keeping in view the length of custody of the petitioner in the instant case and the fact that he has already undergone a sentence for a period of two years at Dubai and the trial is likely to take some time to conclude, this Court deems it appropriate to allow regular bail to him on his execution of adequate personal/surety bonds to the satisfaction of concerned trial court/Duty Magistrate. However, any observations made hereinbefore shall not be construed as an expression on merits of the case and is limited only for the purpose of decision of the instant bail petition.

November 08, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No