

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

102

CRM-M-31850-2020
Date of decision: 16.03.2021

Beant SinghPetitioner

Versus

U.T. ChandigarhRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mr. Rajeev Anand, Addl. Public Prosecutor
for U.T. Chandigarh.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (third) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.310 dated 03.10.2019 registered under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Sector-17, Chandigarh.

The above-said FIR was registered on complaint made by Mudit Gupta and others regarding defrauding of the complainant of the amount of Rs.36,00,000/- by Beant Singh (the petitioner), Sandeep Kaur and Lakhbir Singh on fraudulent representation of securing jobs for them in the railways.

The petitioner, who is in custody since his arrest, has filed the present third petition for grant of regular bail.

CRM-M-46411-2019 and CRM-M-8716-2020 filed by the

petitioner earlier for grant of regular bail were dismissed as withdrawn vide orders dated 08.01.2020 and 19.08.2020 respectively.

The petition has been opposed by the learned Addl. Public Prosecutor in terms of reply filed by way of affidavit of Sh. Ram Rattan, SHO, Police Station Sector-17, Chandigarh.

I have heard learned Counsel for the petitioner and learned Addl. Public Prosecutor for U.T. Chandigarh and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. There was undue and unexplained delay of about two years in lodging of the FIR. All the alleged victims did not join the investigation and only three persons Gurdev Singh, Yakash Sharma and Tancy Bansal were allegedly joined in the investigation. Amount of Rs.1,42,000/- was deposited in cash in the account of the petitioner in connection with the business of committees with Aunt of complainant Mudit Gupta. The petitioner is alleged to have defrauded the complainant-Mudit Gupta and other victims of an amount of Rs.36,00,000/-. The petitioner is ready to furnish appropriate security to the satisfaction of the concerned Court for payment of amount of Rs.36,00,000/- with interest in case the petitioner is held guilty for having committed fraud with them. All the offences alleged to have been committed by the petitioner are triable by the Judicial Magistrate First Class. The petitioner is in custody since 03.10.2019. Challan has been filed but the charges are yet to be framed and recording of prosecution evidence is yet to commence. The trial is likely to take long time due to restrictions imposed to prevent the

spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned Addl. Public Prosecutor has submitted that the petitioner, along with his co-accused, cheated the complainant Mudit Gupta and other victims by defrauding them of an amount of Rs.36,00,000/-. The petitioner is likely to abscond and to commit similar offences if granted regular bail. In view of nature of accusation and gravity of offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and prima facie evidence against the petitioner, the fact that all the offences alleged to have been committed by the petitioner are triable by Judicial Magistrate First Class, readiness of the petitioner to furnish appropriate security for payment of the amount of Rs.36,00,000/- with interest in case the petitioner is held guilty and the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds and security of immovable property of the value of more than Rs.50,00,000/- to the satisfaction of the trial Court/Chief Judicial Magistrate who shall be at liberty to accept the same after due verification as may be considered appropriate by him.

However, the petitioner is granted regular bail subject to the condition that he shall not commit similar offences under the IPC after his release on bail and in case of commission of similar offences by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

16.03.2021

kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No