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

**CRM-M No.39320 of 2021
Date of Decision: 24.09.2021**

SARBJIT SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Navraj Singh, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.115 dated 17.12.2020, registered under Sections 406 & 420 IPC & Section 13 of the Travel Professional Act (PTP Regulation Act, 2014) at P.S. City Banga, District SBS Nagar.

As per allegations made by the complainant Sukhdev Singh, the petitioner had obtained an amount of Rs.2,50,000/- from him on the pretext of sending him to Georgia. Petitioner neither did the needful, nor returned the amount. As part payment, he issued a cheque in a sum of Rs.20,000/- on

04.12.2016 of Vijay Bank and another cheque of his brother Bhupinder Singh for Rs.25,000/- dated 10.03.2019 of Punjab National Bank branch Khatkar Kalan. Both the cheques were dishonoured for insufficiency of funds.

Learned counsel for the petitioner submits that the alleged payment was made in the month of July, 2016 and the FIR came to registered only on 17.12.2020. The FIR has been lodged as a tool to recover a time barred claim. The cheques were not issued for any liability. Petitioner is in custody since 14.07.2021. The offence is triable by the Magistrate. Challan has already been submitted, but charges have not been framed so far.

Per contra, learned State counsel submits that the petitioner is involved in three other cases, out of which two cases are of similar nature.

This fact has been refuted by learned counsel for the petitioner on the ground that the petitioner has already been acquitted in one of the cases and in second case, he is on bail. In 3rd case, the petitioner has not been nominated in the FIR as well as in the challan.

The alleged payment made by the complainant is not supported by any known mode of transfer. Issuance of cheques

at the instance of the petitioner would not advance the case of the prosecution in any manner.

Looking to the facts and circumstances of the case, particularly in the light of challan having been filed, the offence is triable by the Magistrate, no prosecution witness has been examined so far and custody of the petitioner is since 14.07.2021, therefore, I deem it appropriate to enlarge the petitioner on regular bail, without meaning anything on merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

September 24, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No