

CRM-31493-2020 in/and
CRM-M-36199-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-31493-2020 in/and
CRM-M-36199-2020
Date of Decision: 06.01.2021

Amit Kumar @ Vicky

.. Applicant/Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aditya Pratap Singh, Advocate for applicant-petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)

CRM-31493-2020

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At the asking of the Court, Mr. Bhupender Beniwal, AAG, Punjab, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today itself.

CRM-M-36199-2020

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.118 dated 21.06.2020 registered under Section 420 IPC at Police Station City Gurdaspur, Tehsil and District Gurdaspur. The petitioner is in custody since his arrest on

23.07.2020.

As per prosecution, complainant Meenu Bala had given Rs.5,00,000/- to accused Amit Kumar for providing her service in the office of Deputy Commissioner Department. Later on, she came to know that accused Amit Kumar used to cheat the persons and then she asked him to return her Rs.5,00,000/-, who in lieu of that amount, issued self cheque to the tune of Rs.5,00,000/-, but there was no money in his account.

Learned counsel for the petitioner contends that the investigation of the case is complete and the final report has been filed, however no charges have been framed so far. He contends that the trial is likely to consume considerable time and, therefore, the petitioner be released on regular bail.

The prayer is opposed by learned State counsel assisted by ASI Ajay Rajan on the ground that the petitioner induced the complainant to make a payment of ₹5,00,000/- on the pretext of providing job to her. He submits that the petitioner has caused wrongful loss to the complainant. Learned State counsel, on instructions, does not dispute this fact that investigation is complete.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete and the offence is triable by Magistrate and the trial may consume considerable time to conclude. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 23.07.2020, therefore, his further detention may not be necessary for any useful purpose.

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/Duty Magistrate Gurdaspur.

The petition is allowed.

06.01.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No