

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.221

CRM-M-41862-2021

Date of decision: 16.12.2021

Lakhan Gandhi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Dinesh Trehan, Advocate and
Mr. H.S. Rajput, Advocate, for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.239 dated 11.09.2021, registered under Section 420, 465, 467, 468, 471, 120-B IPC at Police Station Division 'B', District Amritsar.

The case of the prosecution is that the petitioner, who is a practicing Advocate in the District Courts, Amritsar, alongwith his co-accused, on the pretext of getting bail for the complainant's son took lakhs of rupees from them as also forged a Fixed Deposit Receipt from the money taken by him on the pretext of filing of surety bonds for the release of the complainant's son.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; there is no other criminal case pending against the petitioner; the petitioner is in custody since 12.09.2021; investigation in the case is complete and therefore, neither is the petitioner needed for the same nor can he influence it; through a written compromise dated 20.12.2021, the father of the petitioner and the complainant have compromised the matter; no further recovery is required to be made from the petitioner and that the petitioner's trial, which is yet to begin, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he has defrauded the complainant for lakhs of rupees as also has committed forgery.

After considering the above rival submissions, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Amritsar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

December 16, 2021

Jyoti 1

Whether speaking/reasoned

Whether reportable

(DEEPAK SIBAL)

JUDGE

Yes/No

Yes/No