

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(Through Video Conferencing)

CRM-M-42061-2020

Date of Decision: 25.03.2021

BALWANT KUMAR

.....*Petitioner*

V/s.

STATE OF PUNJAB

.....*Respondent*

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Dr. Govinder Singh Brar, Advocate,
for the petitioner.

Mr. Randhir Singh Thind, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.44 dated 20.03.2020 registered under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station, Nehianwala, District Bathinda, Punjab.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the FIR in question. He submits that the petitioner was working as labourer in the agricultural lands of the main accused-Navratan Kumar. He further submits that it was the main accused-Navratan Kumar who allegedly transferred an amount of ₹8,20,000/- into the bank account of the petitioner on the pretext that there were certain income tax issues for which the said amount had to be deposited.

Learned counsel for the petitioner submits that neither did he forge any document nor gave any assurance to the complainant as would be

evident from the perusal of the FIR in question. He submits that the petitioner has been in custody since 01.08.2020 and there is no likelihood of the trial concluding in the near future as prosecution evidence has just recently commenced. Therefore, he may be extended the concession of regular bail

Per contra, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner, however, on instructions from SI Pawan, has fairly admitted that the only allegation against the petitioner was that an amount of ₹8,20,000/- was deposited in his account out of total amount of ₹72,00,000/- by the main accused-Navratan Kumar.

Heard.

In view of the submissions made by learned counsel for the parties and the fact that petitioner has been in custody since 01.08.2020, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

March 25, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>