

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

Sr. No.239

CRM-M-47416-2021

Date of decision: 01.12.2021

Karam Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms. Neesh Garg, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Ms. Kanupriya, Advocate
for the complainant.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.71 dated 06.09.2014, registered under Sections 420, 120-B IPC at Police Station Jhunir, District Mansa.

The petitioners are being prosecuted for having been accepted Rs.3.5 lakhs on the pretext of sending the complainant's son abroad. However, after having accepted the aforesaid amount, neither the complainant's son was sent abroad nor the amount given by him was returned.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case; there is no other criminal case pending against them; the petitioners have compromised the matter with the complainant; they were wrongly declared proclaimed offenders as they, being NRIs, were not in the knowledge of the prosecution launched against them; they are in custody since 24.08.2021; investigation in the case is complete and that the petitioners' trial, which is yet to begin, will take long time to conclude.

Learned State counsel as also counsel for the complainant acknowledged the fact that the matter between the petitioners and the complainant has been compromised. However, learned State counsel opposes the grant of bail to the petitioner on the ground that in the year 2015, the petitioners were declared proclaimed offenders.

The petitioners, who are sought to be prosecuted for compoundable offences, have compromised the matter with the complainant; they have been in custody since 24.08.2021; investigation in this case is complete and that the petitioner's trial which is yet to begin, is likely to take long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioners be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Mansa, the petitioners are 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 01, 2021

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(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No