

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-704-2022

Date of Decision: 19.7.2022

Yadwinder Singh @ Sonu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.31 dated 16.4.2015 registered for the offences punishable under Sections 406, 420 IPC at Police Station Behram, District S.B.S. Nagar.

Counsel for the petitioner submits that as per allegations in the FIR, the petitioner took ₹ 3 lakhs from the complainant on the pretext of sending his son abroad but thereafter, the petitioner failed to do so and also refused to return the aforesaid money.

Counsel for the petitioner further submits that the petitioner is in custody for the last more than 11 months and the police has already presented supplementary challan after completion of investigation. He further contends that the petitioner is not involved in any other criminal case and it will take time for trial to conclude. So, prayer is made that the

petitioner be granted regular bail.

Reply filed by way of affidavit of Gurpreet Singh, DSP, Banga, District SBS Nagar on behalf of respondent-State is ordered to taken on record. State counsel on instructions from ASI Sunil Dutt has not refuted the custody period of the petitioner as well as the fact that after completion of investigation, supplementary challan has been presented. However, the State counsel while opposing the present petition submits that the trial is yet to commence and that there are serious allegations appearing on record against the petitioner as he defrauded the complainant of ₹ 3 lakhs.

I have considered the submissions made by the counsel for the parties.

Undisputedly, the petitioner is in custody for the last 11 months and is not involved in any other criminal case. Offences are triable by the Court of JMIC and it will take time for the trial to conclude as charges are yet to be framed. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

July 19, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No