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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6186-2021 (O&M)
Date of Decision:18.05.2022

Sanjay Kumar

.. Petitioner

Vs.

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manbir Singh Basra, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Sankalp Sagar, Advocate
for the complainant.

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Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.85 dated 02.11.2020 registered under Section 420 IPC at Police Station Hajipur, District Hoshiarpur. The petitioner is in custody since his arrest on 15.11.2020.

The FIR was registered on the basis of complaint filed by Usha Devi and the allegations as noticed by the Id. Sessions Judge, Hoshiarpur in the order dated 21.01.2021 are as under:

“FIR in this case was registered on the written complaint bearing No.4570-PD, dated 3.9.2020 filed by Usha Devi wife of Sudarshan Singh to the Senior Superintendent of Police, Hoshiarpur against Sanjay Kumar and his wife Poonam Kumari alleging that her daughter Pooja has passed B.A. whereas her son Sunil Bhatti has studied upto 12th class. Accused Sanjay Kumar son of Om Parkash, who is serving in Punjab University, Chandigarh assured that he can get job for her daughter and son in the University, for which he demanded Rs. Five Lakh each. She paid Rs.Nine Lakh to him, out of which some amount was given in cash and some was deposited in the bank accounts of Sanjay Kumar and his wife Poonam Kumari. After that Sanjay Kumar also received Rs.4,50,000/- from

Ashish Jarial, Rs.4,50,000/- from Pankaj, Rs.2,50,000/- from Ajay Kumar and Rs.2,50,000/- from Vinay Kumar, but till date neither Sanjay Kumar has got job for anybody nor returned the amount. Accordingly he moved a complaint against them to the E.O.Wing, Hoshiarpur, where he entered into compromise with her and also sworn affidavit dated 5.4.2019 to this effect, but inspite of that the accused have not returned their money. On these allegations, the present case was registered.”

Learned counsel for the petitioner has argued that the offence is triable by Magistrate and because of breakout of pandemic COVID-19, the petitioner was released on bail by virtue of administrative orders passed by the Government and the said concession has not been misused. He further submits that the investigation of the case is complete and even challan has been presented on 08.01.2021, but trial will take considerable time to conclude, therefore, learned counsel prays that the petitioner be released on bail.

Learned State counsel assisted by ASI Rajinder Singh, has opposed the prayer on the ground that the petitioner received amount from the complainant for arranging job for her son and daughter and also received money from other persons. He, on instructions states that the challan has been presented on 08.01.2021, but the charges have not been framed so far. Learned State counsel has not disputed the fact that the petitioner was released on interim regular bail through the administrative orders in view of the breakout of pandemic COVID-19 and the said concession was not misused by him.

After considering the background of the case, this Court finds that the offence is triable by Magistrate and considering the fact that trial is yet to commence, this Court does not find any reason to decline the prayer, as the trial is likely to consume considerable time to conclude. Admittedly,

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 concerned.

The petition is allowed.

18.05.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No