

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

CRM-M-8031-2020

Date of Decision: 22nd February, 2022

Gurdip Singh @ Topi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Parvinder Singh, Advocate,
for the petitioner.

Ms. Amit Mehta, Sr. Deputy Advocate General, Punjab.

Mr. Gautam Kumar, Advocate,
for Mr. S.S. Gill, Advocate,
for the complainant.

AVNEESH JHINGAN, J. (Oral)

1. This petition is for grant of regular bail in case of FIR No. 96, dated 14th July, 2018, under Sections 406 and 420 IPC, registered at Police Station 'B' Division, District Amritsar.
2. As per the case set up, the petitioner cheated the complainant by misappropriating gold ornaments weighing 860 grams and pure gold of 45 grams - 200 milligrams. The petitioner was arrested on 28th December, 2019. He was released on 9th April, 2020 on an interim bail due to Covid-19 outbreak. He was to surrender back on 19th January, 2021, however, the petitioner did not surrender and his warrants of arrest were issued on various dates. He surrendered on 4th January, 2022.
3. Learned counsel for the petitioner submits that the petitioner was arrested in December, 2019, his custody is of approximately six months,

the gold was recovered from the petitioner, the complaint has tone and tenor of civil dispute.

4. Learned State counsel opposes the prayer and submits that the conduct of the petitioner is an indicator that if released on bail, there is every chance of his absconding. He is a habitual offender and involved in two more cases. The contention is that the petitioner has over-stayed for one year thereby delaying the trial.

5. Without commenting on merits of the case, considering that the petitioner while on interim bail over stayed for almost one year and there is no explanation whatsoever put forth explaining the over-stay. In such circumstances, the apprehension raised by learned counsel for the State, of his absconding, cannot be said to be ill founded.

6. No case is made out for grant of bail.

7. Dismissed.

(AVNEESH JHINGAN)
JUDGE

22nd February, 2022

Pk Kapoor

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**