

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8991-2020

DATE OF DECISION: May 16, 2022

GAGANJOT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

PRESENT: Mr. Gurpeet Singh Sandhu, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.138 dated 18.10.2018, under Section 420 IPC, Police Station Bhikhi, District Mansa, who is in custody since his arrest on 11.1.2020.

The above FIR was registered on the basis of complaint given by Sukhwinder Singh who alleged that Amar Singh, Sarpach informed him that one person can procure job for his son Jaspreet Singh in Railways Department, who later on introduced him with Gagandeep Singh (accused). The complainant met Gagandeep Singh who assured recruitment of his son in Railway Department and demanded a sum of Rs.6 lakhs for this job. However, the deal was struck at Rs.5.50 lakhs and the complainant paid a sum of Rs.3.00 lakhs (approx.) and the remaining amount was to be paid

after the recruitment of complainant's son in service. Since no job was procured for complainant's son by the accused Gagandeep Singh who in order to return his amount issued cheques for a sum of Rs.3.05 lakhs twice, however, these cheques were dishonoured. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that in respect of the cheque mentioned in the FIR, the petitioner is already facing prosecution in a complaint case under Section 138 Negotiable Instruments Act, 1881 filed by the complainant Sukhwinder Singh, but in the said complaint, the complainant has pleaded that he had advanced a loan to the accused, whereas in the FIR dated 18.10.2018 he has falsely set up a ground for procuring job for his son in Railways Department. In this regard, he has invited the attention of the Court to the said complaint Annexure P-2. He submits that in this case, the petitioner was arrested on 11.1.2020 and even his name is not mentioned in FIR and allegations are against Gagandeep Singh. He prays for bail.

On the other hand, learned State counsel assisted by ASI Bhajan Singh while opposing the aforesaid prayer does not dispute this fact that the investigation of the case is complete and the final report has been filed. Learned State counsel does not dispute this fact that the names of accused in complaint case and FIR are different.

Considering the above background, the custody of the petitioner, and the fact that the offence is triable by Magistrate, further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude.

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 said case, subject to furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

May 16, 2022

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(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No