

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-14594-2022
Decided on :18.04.2022

Amandeep Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 57 dated 09.06.2016 under Sections 420 and 406 of the Indian Penal Code, 1860 registered at Police Station Division No. 6, Jalandhar, District Jalandhar City.

Learned counsel for the petitioner has submitted that in the present case, the allegation against the petitioner is that he had taken Rs.50,000/- from the complainant in order to get her a job. It is further submitted that no amount was deposited in the account of the petitioner. It is contended that as per the statement of Lokesh Sharma, which had been made under Section 161 Cr.P.C. and which finds mention at page-8 of the paperbook, the said Lokesh was ready to return the amount of Rs.30,000/- deposited in his account. It is further contended that the petitioner is not involved in any other case and the present case is triable by the Magistrate and the petitioner is in custody since 06.02.2022.

Learned State counsel, on the other hand, has opposed the present application for regular bail and has submitted that the petitioner was initially declared as proclaimed offender and thus, he does not deserve the concession of regular bail.

Learned counsel for the petitioner, in rebuttal, has submitted that the petitioner was not aware about the proceedings and even the father of the petitioner has stated that he had disinherited the petitioner and thus, the petitioner was not staying with him at his residence i.e. the address where the proclamation was issued.

This Court has heard learned counsel for the parties and has perused the paperbook.

It is not in dispute that no amount has been credited into the account of the petitioner. Out of the said amount of Rs.50,000/-, Rs.30,000/- was stated to have been deposited in the account of one Lokesh Sharma. As per the statement of Lokesh recorded under Section 161 Cr.P.C. (at Page 8 of the paperbook), it has been stated that he was ready to repay the said amount of Rs.30,000/-. The present case is triable by the Magistrate. Further, the petitioner is stated to be not involved in any other case and he is in custody since 06.02.2022 and the investigation in the trial is likely to take time.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to his not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

It is made clear, in case, the petitioner threatens or influences any witness, it would be open to the State to move an application for cancellation of the present regular bail granted to the petitioner.

(VIKAS BAHL)
JUDGE

April 18th, 2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No