

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

311

CRM-M-17938-2022
Decided on :31.05.2022

Gurwinder Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Manish Kumar Singla, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punujab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 14 dated 25.01.2022 under Sections 420, 406 and 120-B of the Indian Penal Code, 1860 registered at Police Station Longowal, District Sangrur.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has been in custody since 10.03.2022 and the challan has already been presented and there are as many as 16 witnesses, out of whom, none have been examined, thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case. It is argued that as per the prosecution case, an amount of Rs.4,60,000/- was transferred into the bank account of the present petitioner and the rest of the amount has been stated to have had been paid in cash. It is further argued that in order to show his bona fide and without

admitting his liability, the petitioner is ready to pay an amount of Rs.4,60,000/- to both the complainants in the present case and has submitted that the said condition be imposed as a pre-condition for the petitioner to be released on regular bail.

Learned State counsel, on the other hand, has opposed the present application for regular bail and has submitted that the petitioner alongwith other co-accused have duped Amritpal Singh and Buta Singh for a huge amount, out of which, Rs.4,60,000/- has been paid into the bank account of the present petitioner.

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

The petitioner has been in custody since 10.03.2022 and the challan has already been presented and there are as many as 16 witnesses out of whom, none have been examined, thus, the trial is likely to take time and the petitioner is stated to be not involved in any other criminal case. The present case is triable by Magistrate. The petitioner in order to show his bona fide and without admitting his liability, is ready to pay Rs.4,60,000/- to the complainants i.e. Amritpal Singh and Buta Singh in equal proportions (Rs.2,30,000/- each) within a period of one week from today.

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

required in any other case and also subject to the petitioner depositing an amount of Rs.4,60,000/- with the trial Court within a period of one week from today.

However, it is made clear that the petitioner would be released on bail only once the said amount is deposited on behalf of the petitioner in the trial Court. In case, the said amount is not deposited within the stipulated period of time, the present petition would be deemed to have been dismissed.

The trial Court is directed to release the said amount of Rs.4,60,000/- to the two complainants Amritpal Singh and Buta Singh, in equal proportions i.e. Rs.2,30,000/- each. The deposit of the said amount of Rs.4,60,000/- would not be construed as an admission of guilt by the present petitioner during the proceedings.

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 petition.

(VIKAS BAHL)
JUDGE

May 31st, 2022
Mehak

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