

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-18491-2022
Decided on :19.05.2022

Amrinder Singh @ Anil Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Umaid S. Mann, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Haryana.

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. 243 dated 21.07.2015 under Sections 406, 420, 465, 467, 468, 471 and 34 of the Indian Penal Code, 1860 (subsequently charges under Sections 467, 468 and 471 IPC have been deleted vide GD No. 29 dated 07.08.2020) registered at Police Station Civil Lines, District Amritsar.

Learned counsel for the petitioner has submitted that the petitioner was only an employee of Grand Tours which was owned by co-accused Gurpreet Singh and the petitioner worked in the office of Grand Tours from March 2015 to June 2015 and he was not an employee of Sky Wings Consultancy of which, the said Gurpreet Singh was Managing Director. It is further submitted that the petitioner was looking after the front desk/reception and handled the calls at Grand Tours and had no role in handling any money that would be deposited with Grand Tours or Sky Wings Consultancy. It is contended that Gurpreet Singh was the Managing

Director of Sky Wings Consultancy and he has already been released on bail. It is further contended that although, there are 11 complainants but only one complainant levelled allegations against the petitioner with respect to the petitioner having taken an amount of Rs.1,23,000/-. It is also submitted that the petitioner has been in custody since 20.01.2022 and there are as many as 24 witnesses, out of whom, none have been examined, thus, the trial is likely to take long time.

Learned State counsel, on the other hand, has opposed the present application for regular bail and has submitted that the petitioner is involved in one more case i.e. FIR No. 116 of 2015.

Learned counsel for the petitioner has rebutted the said argument and submitted that as per settled law, it is the facts of the present case which are required to be considered for the purpose of deciding the present bail application. For the said proposition, learned counsel for the petitioner has relied upon judgment dated 16.01.2012 passed by the Hon'ble Supreme Court in Criminal Appeal No.159 of 2012 titled as ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and others*** 2012 (2) SCC 382 reference has been made to the relevant portion of paragraph 6 which is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

This Court has heard learned counsel for the parties and has

perused the paperback.

The co-accused Gurpreet Singh who is stated to be the Managing Director of Sky Wings Consultancy, which was involved in sending people abroad and has allegedly duped several persons of varying amounts, is stated to have been released on bail. The petitioner has been in custody since 20.01.2022 and the challan in the present case has already been presented and there are as many as 24 witnesses, out of whom, none have been examined, thus, the trial is likely to take time. It is the case of the petitioner that he was only an employee of Grand Tours, which was owned by the co-accused Gurpreet Singh and was not an employee of Sky Wings Consultancy. The said issue would be considered during the course of trial.

Keeping in view the abovesaid facts and circumstances, moreso, in view of the law laid down in Maulana's (*supra*) case, 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 him 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.

May 19th,2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No