

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(255)

CRM-M-21246-2022 (O&M)

Date of Decision : June 01, 2022

Brij Bhushan Verma

.. Petitioner

Versus

State of U.T. Chandigarh

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Akhilesh Kumar Sinha, Advocate, for the petitioner.

Mr. Viranjeet Singh Mahal, Addl. P.P., U.T. Chandigarh.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-19876-2022

Present application has been filed for placing on record
Annexures P-5 and P-6.

Keeping in view the averments made in the application, the
same is allowed and Annexures P-5 and P-6 are taken on record.

CRM-M-21246-2022

Present petition has been filed under Section 439 Cr.P. C for
the grant of regular bail to the petitioner in respect of FIR No.116 dated
28.06.2021 registered under Sections 420 and 120-B of the IPC, 1860 at
Police Station Manimajra, Chandigarh.

Learned counsel for the petitioner argues that in the present
case, the allegation against the petitioner is that he connived with the co-

accused so as to defraud the complainant on the pretext of providing the

complainant with medicines, which are required to treat the Covid patient. Learned counsel for the petitioner submits that in fact the petitioner is innocent and has been defrauded by the co-accused as the money was deposited in the account of the petitioner by the complainant but the same was transferred in the account of co-accused Pallav Kumar on the very next day, which fact itself shows that the petitioner was only made scapegoat by the co-accused while defrauding the complainant. Learned counsel for the petitioner further submits that challan has already been presented and the trial is likely to take some time and nothing has come on record even in the FIR that the petitioner had played any role so as to defraud the complainant, the petitioner may kindly be extended the benefit of regular bail.

Learned counsel for the respondent-State, on the instructions from ASI Balwan Singh submits that it is a conceded position that the amount deposited by the complainant was in the account of the petitioner but from the record, it transpires that the said amount was further transferred to the account of co-accused namely Pallav Kumar and other co-accused. Learned counsel for the respondent-State further submits that challan has already been presented after the completion of investigation.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, the allegations alleged against the petitioner are yet to be proved. As far as the investigation conducted so far, it has come on record that the amount deposited by the complainant in the account of the petitioner, was in fact transferred in the account of the other co-accused Pallav Kumar. As of now, nothing has come on record that the petitioner was also the beneficiary of the amount which has been received

from the complainant. As the trial is likely to take some time before it concludes and keeping in view the facts and circumstances noticed hereinbefore, no useful purpose will be achieved in keeping the petitioner behind the bars as the petitioner has undertaken before this Court in case, he is extended the benefit of regular bail, he will not influence the trial or the witnesses in any manner.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

June 01, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No