

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-20940-2022 (O&M)

Date of Decision:-14.9.2022

Joseph Masih

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashok Giri, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.199, dated 14.8.2020, Police Station Tanda, District Hoshiarpur, under Sections 420/120-B of Indian Penal Code.
2. The allegations levelled by the complainant, in nutshell, are that the petitioner's son had taken an amount of Rs.20 lakhs on the pretext of sending the complainant to America and that the accused instead of sending him to America, sent him to Romania, Russia and Cuba, from where he had to be deported back.
3. Learned counsel for the petitioner submits that the petitioner has been falsely roped in the present on account of the fact that he happens to be father of Sam Thapar and even as per the FIR, it is his son Sam Thapar, who had held out the representation to send the complainant abroad, and the petitioner has been roped in on the basis of false allegations to the effect that on one of the occasion, when a part of the payment had been made, he was present

alongwith his son. Learned counsel for the petitioner submitted that the petitioner is an aged man of 60 years and has a clean record.

4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and there are serious allegations and infact the complainant had a tough time and had to be deported back from Romania, Russia and Cuba, where he had been sent on the pretext of sending him to America, the petitioner does not deserve any leniency. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 7 months and is not involved in any other case.
5. This Court has considered the rival submissions.
6. A perusal of the FIR would indeed show that the main allegations are against petitioner's son Sam Thapar. The petitioner is father of said Sam Thapar and who is stated to be present alongwith his son, when a part of the payment had been given to the accused. The petitioner otherwise has a clean record. The petitioner has been behind bars since the last about 7 months. As on date, only 1 PW out of the cited 10 PWs has been examined. As such, conclusion of trial is likely to consume time. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.9.2022

pankaj

Whether speaking /reasoned
Whether Reportable

**(Gurvinder Singh Gill)
Judge**

Yes / No
Yes / No