

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

207

CRM-M-21748-2022
Date of decision : 26.08.2022

Saleem Khan

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Mohit Kumar, Advocate
for the petitioner.

Mr. Gurpreet Singh Sandhu, D.A.G., Punjab
for he respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.132 dated 22.11.2021 registered under Section 379 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station City-II, Malerkotla, District Malerkotla to which Sections 419, 467, 468 and 471 of the IPC were added lateron.

Learned counsel for the petitioner has filed power of attorney with no objection from earlier counsel in the Court, which is taken on record.

The above-said FIR was registered upon the statement of complainant-Mohd. Aamir alleging that he has contacted one Manoj Kumar on his mobile phone after seeing vehicle bearing registration No.HR-26-ER-5990 on OLX App who told the price of the vehicle as Rs.7,50,000/- but the deal was finished for Rs.6,50,000/-. On

20.11.2021, the complainant along with his father reached at Bus Stand Patran for taking deliver of car as per deal finalized where accused Manoj Kumar came along with the car in question and he gave Rs.3,85,000/- cash and Aadhar Card etc. after verifying the relevant documents. On 21.11.2021, when the complainant came back to his house, the accused-Manoj Kumar has committed theft of car, which was parked in street with duplicate key.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner was not named in the FIR. The petitioner has neither forged any document nor received any amount from the complainant. The challan has been presented in the case. The petitioner is in custody since 25.03.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand, learned State counsel has argued that the petitioner by impersonating himself as Manoj Kumar cheated the complainant. Custody certificate dated 26.08.2022 has been filed by learned State counsel which is taken on record. As per the custody certificate, the petitioner is in judicial custody for the last 04 months and 27 days and he is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last more than 04 months, he is not involved in any other case and the fact that the trial is likely to take long time, the instant petition is allowed.

The petitioner-Saleem Khan is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

26.08.2022

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No