

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

234

CRM-M-23109-2022 (O&M)

Date of Decision: 01.12.2022

Jagtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Mansur Ali and Mr. Tushar Madaan, Advocates,
for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab and
Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Kamaljeet Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.0066 dated 02.05.2022 at Police Station Nihal Singh Wala, District Moga, under Section 420 IPC.
2. The FIR was lodged at the instance of Kamaljit Kaur Bhandal, wherein it has been stated that she is presently residing in America with her family and that she had given an amount of about Rs.1 crore to the petitioner for the purpose of investing the same by way of purchasing land in the village. The complainant alleged that despite having taken the said amount, the petitioner did not purchase any property nor returned the said amount.

3. Learned counsel for the petitioner has submitted that the FIR has been lodged by way of exaggerating the claim and that in fact only an amount of Rs.38 lakhs approximately had been transferred in the account of the petitioner out of which he had already returned an amount of more than Rs.30 lakhs by way of bank transactions and had also purchased a piece of land in her name i.e. land measuring $\frac{1}{2}$ acre.
4. Opposing the petition, learned State counsel has submitted that even if the contention of the petitioner as regards return of an amount of Rs.30 lakhs approximately is taken to be correct, still a substantial amount out of the money sent by the complainant remains unpaid. Learned State counsel has further submitted that the very fact that the petitioner had issued several cheques to the complainant for return of the said amount and two of which upon presentation already stand dishonoured, clearly shows that the petitioner had received the amount as has been alleged by the complainant and the same is due to be paid back to the complainant. Learned State counsel has, however, not disputed the fact that an amount of Rs.30 lakhs approximately already stands paid back by bank transactions to the complainant and a piece of land measuring $\frac{1}{2}$ acre also stands purchased in her name. It has been informed that the petitioner as on date has been behind bars since the last more than 6 months and that he is not involved in any other case.
5. This Court has considered rival submissions.
6. Though there are specific allegations leveled against the petitioner, but this Court finds that it is an amount of Rs.38 lakhs approximately, which had been received by the petitioner through bank transactions and out of

which an amount of Rs.30 lakhs approximately had been returned by the complainant by way of bank transactions. The petitioner in any case has been behind bars for a substantial period of more than 6 months. Challan already stands presented. The petitioner otherwise enjoys a clean record. In these circumstances, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. 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.

01.12.2022
Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**