

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-23722-2022
Decided on :01.06.2022

Gurmeet Singh @ Fauji

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

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. 47 dated 19.04.2013 under Sections 406, 420 and 506 of the Indian Penal Code, 1860 registered at Police Station Kotwali, District Nabha.

Learned counsel for the petitioner has submitted that in the present case, as per the FIR, the allegations with respect to the asking the complainants to deposit the money have been levelled against co-accused Harmanjot Kaur and the primary allegations against the present petitioner are that the petitioner is working in the army and a deposit of Rs.9,500/- had been made by the father of Manpreet Kaur into the bank account of the present petitioner and that the petitioner was threatening the complainant party from whom an amount of Rs.25,000/- had been taken by Harmanjot Kaur on the pretext of getting them recruited in the Army. It is further submitted that in the present case, challan was not presented

against the present petitioner and he was kept in column No. 2 and the petitioner was summoned vide order dated 31.08.2015 upon an application under Section 319 Cr.P.C. and since the petitioner is in the army thus, the summons could not be served to him with respect to the same. It is contended that it is only when the petitioner came to the village on 08.04.2022 in order to take care of his old ailing father, that he came to know about the fact that he had been declared a proclaimed offender on 27.01.2016. It is further contended that the main accused Harmanjot Kaur was tried and vide judgment dated 07.02.2018 has been acquitted by the Judicial Magistrate 1st Class, Nabha. It is also submitted that the petitioner has been in custody since 25.04.2022 and is not involved in any other case.

Learned State counsel has opposed the present application for regular bail and has submitted that the petitioner was kept in column No. 2 on account of the fact that the petitioner was not arrested and not on the ground that he was declared innocent in the present case.

This Court has heard learned counsel for the parties and has perused the paperbook.

The main allegations in the FIR have been levelled against Harmanjot Kaur, moreso, with respect to asking the complainants to deposit the money and of receiving Rs.25,000/- from the said complainants. The petitioner was put in column No. 2 initially and the petitioner was subsequently summoned vide order dated 31.08.2015 in an application under Section 319 Cr.P.C. It is the case of the petitioner that he was not aware about the said proceedings and it is only when he came back to his village to visit his ailing father on 08.04.2022 and he was

arrested on 25.04.2022, he learnt about the present proceedings. Further, the main accused Harmanjot Kaur was tried and has been acquitted vide judgment dated 07.02.2018 by the Judicial Magistrate 1st Class, Nabha. The petitioner is not involved in any other case and is still serving in the army.

Keeping in view the abovesaid facts and circumstances, 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 his not being required in any other case.

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 petition.

(VIKAS BAHL)
JUDGE

June 1st, 2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No