

CRM-M-28282-2022

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

CRM-M-28282-2022 (O & M)

Date of decision: 26.08.2022

Jane Alam

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Suneet Pal Singh Aulakh, Advocate,
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

Mr. G.S.Dhillon, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case FIR No.117 dated 03.04.2021, registered at Police Station Sohana, District SAS Nagar, Mohali, under Sections 419, 420, 467, 468, 471 and 201 IPC, and Section 66(c) and 66 (d) of the Information and Technology Act.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner has no concern with the alleged offences; that the petitioner, who is the merchant of the distributorship of 'Sahi Pay', made the payment to one imposter Ajay Kumar, who had produced fake Ids to him and taken the entire amount of the complainant from him; that the transactions were carried out by the accused, namely, Pardeep and Sandeep; that the entire payment had been received in the business account of Manipal Business Solutions Pvt. Ltd.;

that the mobile number from which the complainant had received the call,

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was in the name of Ajay Kumar, but the opening form-cum-application for obtaining the said mobile number, is having the photograph of Sandeep, which would clearly show that Sandeep is the main accused, who had committed fraud with the complainant. He further contends that co-accused Sandeep had forged the documents and created an account in the name of Ajay Kumar, and that the petitioner has been in custody since 22.10.2021.

Learned counsel further contends that with the intervention of respectable of the area, a compromise has been effected between the complainant and the petitioner, Mohammad Tariq and his wife-Gule Zarrin.

On the other hand, learned State counsel submits that the petitioner alongwith co-accused had cheated the complainant; that as per the investigation, co-accused, namely, Mohammad Tariq and his wife-Gule Zarrin had made the payment to the petitioner, after having received the amount from the people fraudulently. However, learned State counsel does not dispute the factum of compromise as stated above.

Learned counsel for the complainant submits that the complainant has arrived at a compromise with the petitioner and co-accused, namely, Mohammad Tariq and his wife-Gule Zarrin and that the complainant has no objection, if the petitioner is released on bail.

I have heard the learned counsel for the parties.

Normally, the successive bail application/petition should not be entertained unless there is a change of circumstances. This is the second petition, the first one i.e. CRM-M-50525-2021 having been dismissed as withdrawn.

Now, it is the specific case of the petitioner that a compromise

has been arrived at between the petitioner and the complainant, which has not

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been disputed by the learned counsel for the complainant.

The petitioner has been in custody since 22.10.2021. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

26.08.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No