

CRM-M-28241-2022

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

CRM-M-28241-2022 (O & M)

Date of decision: 26.08.2022

Mohammad Tariq

...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 had taken the distributorship of 'Sahi Pay' from Manipal Business Solutions Pvt. Ltd., in the name of his wife, and that the petitioner had further given franchise/merchant of 'Sahi Pay' to co-accused Jane Alam. He further contends that the petitioner has nothing to do with the business dealings either done by Sandeep or the complainant; that the entire payment had been received in the business account of Manipal Business Solutions Pvt.

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Ltd.; that the mobile number from which the complainant had received the call, 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 and his wife are not the beneficiaries in any manner. 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, his wife as well as Jaane Alam.

On the other hand, learned State counsel submits that the petitioner alongwith co-accused had cheated the complainant; that as per the investigation, the wife of the petitioner was the distributor of online payment company 'Sahi Pay' through which the petitioner and his wife had made the payment to co-accused Jane Alam, 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, his wife and Jane Alam 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

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petition, the first one i.e. CRM-M-52227-2021 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 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