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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26142-2019 (O&M)
Date of Decision:22.03.2022

Varun Dubey
Vs.
State of Punjab

.. Petitioner

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rahul Dev Singh, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab

Mr. H.P.S. Ghuman, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.62 dated 30.03.2019 registered under Sections 420 and 406 IPC at Police Station City Kapurthala, District Kapurthala. The petitioner is in custody since his arrest on 30.03.2019.

The FIR was registered on the complaint of Davinder Singh and the allegations as noticed by the Id. Addl. Sessions Judge, Kapurthala in the order dated 14.05.2019 are as under:

“Briefly, the facts and circumstances on record necessary to be detailed herein for disposal of present regular bail application of the present applicant/accused Varun Dubey are that since the month June 2017, on coming in contact of the applicant/accused and his wife with the complainant Davinder Singh, he cheated the complainant Davinder Singh for a sum of Rs.14,91,000/- by taking from him partly in cash/cheque and partly through his account no.30460100005497 of Bank of Baroda, Branch Rajpura with the pretext to send Jagmeet Singh son of the complainant by calling from Dubai to Canada. Thereafter, he neither returned that sum to the complainant nor send the son of the complainant to Canada as per his promise....”

Learned counsel for the petitioner has invited the attention of

the Court to the order dated 27.09.2019, whereby this Court extended the

concession of interim regular bail to the petitioner. He submits that the offences are triable by the Magistrate and the investigation of the case is also complete and charges have been framed against the petitioner on 27.02.2020, therefore, he be released on regular bail.

Learned counsel for the complainant opposes the prayer on the ground that the undertaking given by the petitioner to return the sum of Rs.7 lacs has not been fully complied with, as one of the cheque issued by the petitioner has been dishonoured. He has not disputed this fact that a sum of Rs.4,35,000/- has been received by the complainant.

At this stage, learned counsel for the petitioner submits that the part payment on the part of the petitioner reflects his conduct of making an attempt to settle the dispute, but unfortunately, the petitioner lost his parents and he suffered financial constraints also, therefore, the third cheque in question was dishonoured.

After hearing the learned counsel for the parties, considering the above background, nature of the offences, which are triable by the Magistrate, the petition is allowed and it is ordered that the petitioner shall continue to remain on the same bail bonds and surety bonds furnished by him pursuant to the order dated 27.09.2019 passed by this Court.

22.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No