

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.29846 of 2022
Date of Decision: 19.07.2022

Karan @ Divesh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gautam Dutt, Advocate,
Ms. Jasleen Chahal, Advocate,
Ms. Radhika, Advocate and
Ms. Eknoor, Advocate,
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.0267 dated 06.11.2021, under Sections 406 and 420 of the Indian Penal Code, 1860, registered at Police Station Sadar Patiala, District Patiala.

Learned counsel for the petitioner has submitted that it is a case where the petitioner is a student of Bachelor of Arts and is about 22 years of age and the alleged incident in the present case pertains to the year 2016. It has been stated in the FIR itself that the petitioner was of 16 years of age at that point of time. He submitted that the allegations in the FIR were pertaining to taking Rs.35 lacs from the complainant on the pretext of sending him abroad and there are other accused in the present FIR including the father of the petitioner namely, Vikas Bibra and even as per the allegations in the FIR, some amount has been transferred in the name and account of other co-accused namely, Dharamjit and so far as the present petitioner and his father are concerned, no amount has been transferred in

their accounts and they have been falsely implicated in the present case. He submitted that the petitioner was only a child at that point of time and he has been falsely implicated in the present FIR and this has affected his studies as well. Learned counsel for the petitioner also stated that FIR was lodged after a delay of 5 years. The complaint was given to the police in July 2021 and consequently FIR was lodged in the year 2021 for an incident pertaining to the year 2016 and there is no justification for the same.

On the other hand, learned State counsel, on instructions from ASI Sukhdev Singh, has stated that it is correct that the petitioner is a student of about 22 years of age and is in custody from 08.06.2022. He submitted that it is also correct that no amount has been transferred in the name and accounts of the petitioner and his father.

I have heard the learned counsel for the parties.

The petitioner is a young boy of the age of 22 years and the allegation in the present FIR which is of the year 2021 pertains to the year 2016 and there is no justification coming forward as to why there is a delay of 5 years in lodging the FIR and that too with regard to some money dispute. No amount has been transferred in the name of the petitioner or his father and as per the learned counsel for the petitioner, the petitioner was 16 years old at that point of time. The petitioner is not involved in any other case and it is a case triable by Magistrate. Although the custody of the petitioner is little more than one month but considering the facts and circumstances of the present case, the petitioner deserves the concession of regular bail. Furthermore, it is not the case of the State that in case, the petitioner is released on bail he may repeat the offence or may abscond from justice.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds/surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Trial Court/Duty Magistrate.

However, anything observed herein above shall have no effect on the merits of the case and is meant for deciding the present petition only.

19.07.2022
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(JASGURPREET SINGH PURI)
JUDGE

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