

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

CRM-M-34045-2021

Date of decision: 21.07.2022

Lukesh Masih @ Happy

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Barjinder Singh, Advocate for
Mr. Harjot Singh Mann, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Ashish Aggarwal, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.80 dated 28.12.2016, registered at Police Station Khalthian, District Amritsar Rural, under Sections 420, 467, 468, 471 and 120-B IPC.

Learned counsel for the petitioner contends that though there are allegations against the petitioner that he alongwith co-accused had cheated the complainant on the pretext of providing govt. jobs to him, his brother and son of his maternal uncle, but the fact remains that the petitioner has been in custody since 29.04.2019; that recovery has since been effected; that the prosecution witnesses are yet to be examined, and that co-accused have since been granted the concession of bail. So far as other cases registered or pending against the petitioner, are concerned, he has been released on bail therein.

On the other hand, learned State counsel, assisted by the

learned counsel for the complainant, while opposing the grant of bail to the petitioner, submits that the petitioner alongwith co-accused had cheated the complainant and others to the tune of Rs.25 lakhs on the pretext of providing govt. jobs to them, that Rs.2.80 lakh was transferred in the account of the petitioner, and that the accused had also received Rs.4.65 lakh through ATM withdrawal, from the complainant. It is also submitted that the petitioner is a habitual offender and that the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 29.04.2019. Out of 32 prosecution witnesses, none has been examined so far. Recovery has already been effected. The co-accused have since been granted the concession of bail. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars. Moreover, so far as other cases registered or pending against the petitioner, are concerned, he has also been released on bail therein.

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.

21.07.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No