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

**CRM-M-36447-2022
Date of Decision: 17.11.2022**

Inder Preet Bibra Petitioner
Versus

State of Punjab Respondent

CRM-M-42088-2022

Vikas Bibra Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gautam Dutt, Advocate,
for the petitioner (in both cases).

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

Both petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners, who are husband and wife and are being taken up together for final disposal with the consent of the learned counsel for the petitioners, since both the petitions arise out of the same FIR bearing No.0267 dated 06.11.2021, under Sections 406 & 420 of the IPC, registered at Police Station Sadar Patiala, District Patiala.

Mr. Gautam Dutt, learned counsel for both the petitioners has submitted that the petitioner, namely, Inder Preet Bibra is in custody since

08.06.2022 and the petitioner, namely, Vikas Bibra is in custody since 14.07.2022. He further submitted that the investigation of the case has been completed and thereafter, challan has also been presented before the competent Court. He also submitted that the present is a case which is triable by the Magistrate and trial of the case may take long time. He further submitted that the allegations against the present petitioners were that they along with the other co-accused, namely, Ranjit had cheated the complainant and as a result of which, the complainant had parted with an amount of Rs.45 lacs for the purpose of sending her son abroad. He also submitted that so far as the present two petitioners are concerned, there was no role attributed to them and in fact the basic allegations were against the other two co-accused, namely, Ranjit and Dharamjit and money, if any, was transferred in the name of the aforesaid co-accused, namely, Dharamjit, who was although named but not arraigned as an accused in the present FIR. He also submitted that so far as the present two petitioners are concerned, they are neither beneficiary nor any amount has been transferred or given to them and there is nothing on record or in evidence to suggest the same. He further submitted that apart from the above, even thereafter, a compromise was effected between the complainant and the co-accused Ranjit and the aforesaid Ranjit had filed an application for regular bail before the learned Judicial Magistrate First Class, Patiala and he has been extended the benefit of regular bail vide order dated 21.06.2022 (Annexure P-2) and it has so come in the order itself that the matter has been compromised and the complainant has also filed an affidavit before the learned trial Court in the aforesaid case that the compromise has been effected between them. He also

submitted that in this way the basic dispute which was between the complainant and the co-accused Ranjit has already been settled and the aforesaid Ranjit has been granted regular bail by the learned trial Court and so far as the present two petitioners are concerned, there was no specific role assigned to them nor they had received any amount of money, they are still facing incarceration and therefore, has prayed for the grant of bail to both the petitioners.

On the other hand, Mr. Kunal Vinayak, learned Assistant Advocate General, Punjab has submitted that it is correct that the petitioner, namely, Inder Preet Bibra is in custody since 08.06.2022 and the petitioner, namely, Vikas Bibra is in custody since 14.07.2022 and the investigation of the case has been completed and thereafter, challan has been presented before the competent Court. He further submitted that it is also correct that the co-accused, namely, Ranjit has been enlarged on regular bail by the learned trial Court vide Annexure P-2. He has however submitted the petitioners are also involved in two more cases i.e. under Sections 420 & 406 IPC.

However, at this stage, the learned counsel for the petitioners has stated that the other two cases which are pending against the petitioners pertain to the dispute with regard to the property and the allegations in those cases are not similar as that of the present case, and therefore, the fact that the petitioners are involved in two more cases i.e. under Sections 406 & 420 IPC cannot become a ground for denial of bail to the petitioners in the aforesaid facts and circumstances.

I have heard the learned counsel for the parties.

Both the petitioners have faced incarceration for 1 year and 6 months. The investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court and the present case is triable by the Magistrate. The other co-accused, namely, Ranjit has already been extended the benefit of regular bail by the learned trial Court vide Annexure P-2 on the ground that the matter has been compromised between the complainant and him. The fact that the petitioners are involved in two more cases i.e. under Sections 406 & 420 IPC cannot become a ground for denial of the bail to the petitioners. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence any witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to both the petitioners.

Consequently, both the petitions are allowed and both the petitioners are ordered to be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

17.11.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |