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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40052-2022

Date of Decision: December 14, 2022

GURDEEP SINGH ALIAS GURDIP SINGH ALIAS TOPI

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Parvinder Singh, Advocate
for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

AVNEESH JHINGAN, J.(ORAL)

This is a second petition for seeking regular bail in case FIR No.96 dated 14.07.2018 under Sections 406 & 420 IPC registered at Police Station, B-Division, District Amritsar.

The relevant facts are that as per the case set up, the petitioner cheated the complainant by misappropriating gold ornaments weighing 860 grams and pure gold of 45 grams-200 milligrams. The petitioner was arrested on 28.12.2019. He was released on 09.04.2020 on an interim bail due to Covid-19 outbreak. He was to surrender back on 19.01.2021, however, the petitioner did not surrender and his warrants of arrest were issued on various dates. He surrendered on 04.01.2022.

The earlier petition filed by the petitioner seeking regular bail was dismissed considering that he had overstayed the interim bail for almost one year.

Learned counsel for the petitioner submits that the petitioner was initially arrested on 28.12.2019, he was released on 09.04.2020 on interim bail due to Covid-19 situation and he surrendered on 04.01.2022. Learned counsel for the petitioner on instructions submits that to show his bona fide and to meet the apprehension of the State that the petitioner may abscond, the petitioner is ready to deposit cash security of Rupees One Lakh. Contention is that no recovery is to be made and the tone and tenor of the allegations are commercial in nature.

Learned State counsel on instructions from ASI Balwinder Singh, opposes the bail and submits that the petitioner had already overstayed the interim bail for one year.

The petitioner is in custody for more than one year and no recovery is to be made from him. Without commenting upon the merits of the case, considering the custody period and that the conclusion of trial is likely to take time, no recovery is to be made and the offer made by the petitioner prima facie appears to be reasonable, bail is granted to the petitioner subject to furnishing cash security of Rupees One Lakh to the satisfaction of the Court concerned. The amount so deposited shall be kept in an FDR in a nationalized bank and in case of failure of the petitioner to appear before the trial Court as and when required, the amount so deposited shall be liable to be forfeited. The trial Court shall be at liberty to impose such other conditions as deemed necessary to ensure the presence of the petitioner.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

14.12.2022
Sangeeta

(AVNEESH JHINGAN)
JUDGE

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