

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-43468-2022

Date of Decision: September 23, 2022

Aman Sehgal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Harjinder Singh Sidhu, Advocate for the petitioner.

Mr. Manipal Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.38 dated 21.04.2022, under Sections 420 and 406, registered at Police Station Sadar Kapurthala, District Kapurthala.

Learned counsel contends that the petitioner had sent Chaman Lal, who is son of the complainant to Dubai for which he has charged Rs.80,000/-, as is apparent from the Police proceedings as reflected in the FIR itself which was meant for purchasing tickets and arranging the visa. He further submits that the aforesaid person returned to India on 26.01.2022 and visited the office of the petitioner where he kept his luggage to pick it up later, however, he did not come back. The petitioner immediately informed the mother of Chaman Lal about the same. He further contends that the ingredients of Section 420 IPC are not made out as also the fact that petitioner has been in custody from 16.05.2022 and no other case registered against him.

Learned State counsel opposes the bail application on account of the fact that petitioner duped the complainant as he had assured that the son of the complainant would be sent on work visa whereas the visa that was given to the son was a tourist visa. Learned State counsel is unable to controvert the fact that there is no other case against the petitioner.

I have heard learned counsel for the parties.

While considering the facts and circumstances of the case particularly that petitioner has been in custody from 16.05.2022; though the challan has been presented but charges are yet to be framed; trial is likely to take some time, his further detention behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

- “1. The petitioner will not tamper with the evidence during the trial.*
- 2. The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- 3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- 4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he*

is suspected of.

5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

6. The petitioner shall not in any manner misuse his liberty.

7. Any infraction shall entail in withdrawal of the benefit granted by this Court.”

In view of the above, this Court makes it clear that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

September 23, 2022
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(AMAN CHAUDHARY)
JUDGE

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