

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(216)

CRM-M-44747-2022

Date of decision: - 30.09.2022

Gurdeep Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Himanshu Sharma, Advocate, for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Jasraj Singh, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.66 dated 06.05.2021, registered under Section 420 IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014, at Police Station Bullowal, District Hoshiarpur.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 08.09.2022 and the investigation and the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case and that although, it was the argument of learned counsel for the complainant at the time when the petitioner had filed an application for anticipatory bail that an amount of Rs.3,50,000/- has been paid to the petitioner, but neither there is any receipt regarding

the same, nor any money has been paid in his account. It is submitted that in compliance of order dated 29.08.2022, passed by this Court in the second anticipatory bail petition filed by the present petitioner, which was ultimately withdrawn, the petitioner has surrendered and deposited an amount of Rs.1,00,000/- before the trial Court. Learned counsel for the petitioner has further submitted that the petitioner has no objection in case the said amount is released to the petitioner, but however, the payment of the said amount should not be considered as an admission of guilt on behalf of the petitioner. It is submitted that the case is triable by magistrate and thus, the petitioner deserves the concession of regular bail.

Learned State counsel as well as learned counsel for the complainant, on the other hand, have opposed the present petition for regular bail and have submitted that as per order dated 29.08.2022, passed by this Court in CRM-M-38435-2022, the petitioner was required to surrender before the police, but has surrendered before the trial Court. It is further submitted that as far as amount of Rs.3,50,000/- is concerned, the petitioner has admitted that he had taken an amount of Rs.3,50,000/- during the course of inquiry.

Learned counsel for the petitioner, in rebuttal, has submitted that in the present case, the police had sought the remand of the petitioner and they were given one day police remand and thereafter, the petitioner has been in judicial custody. It is submitted that no further application was moved for police remand in the present case and thus, no purpose would be served by keeping the petitioner in further incarceration. It is also submitted that any statement made before the police authorities

during the course of inquiry cannot be binding upon the petitioner.

This Court has heard learned counsel for the parties and has gone through the paper-book.

The petitioner has been in custody since 08.09.2022 and the investigation is not completed and the presentation of the challan and the trial is likely to take time. The petitioner is stated to be not involved in any other case and the case is triable by the magistrate and the police has already taken one day police remand of the petitioner. The petitioner has already deposited an amount of Rs.1,00,000/- in pursuance of the statement made by learned counsel for the petitioner, as noticed in the order dated 29.08.2022 passed by this Court in CRM-M-38435-2022.

Keeping in view the above-said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

The trial Court is directed to release the said amount of Rs.1,00,000/- to the complainant.

It is made clear that the payment/deposit of the said amount by the petitioner would not be deemed as an admission of guilty on behalf of the petitioner.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which is only for the purpose of adjudicating the present bail petition.

It is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

September 30, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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