

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48889-2021 (O&M)
Date of decision: 25.05.2022

Kanhiya Kumar @ Ghaniya Kumar and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Munish Puri, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.90 dated 13.10.2020 under Sections 420, 419, 468, 34 IPC and Section 66 (D) of I.T. Act, registered at Police Station Narot Jaimal Singh, District Pathankot.

Learned counsel for the petitioners submits that the FIR was registered at the instance of Ravinder Singh that an advertisement was published in the newspaper (Indian Express) regarding dealership of petrol

pumps for the State of Punjab and 12 other states. Believing the same to be correct, complainant deposited an amount of Rs.9.79 lacs in the account of the petitioner, however, later on, it was found that advertisement and further initiation of the petitioner was fake. It is further submitted that petitioner No.1 Kanhiya Kumar @ Ghaniya Kumar is in custody for the last 09 months and 21 days and petitioner No.2 Sunil Kumar Sahni @ Sunil Kumar @ Anil Kumar is in custody for the last about 01 year; offences are triable by the Court of Magistrate; out of total 22 prosecution witnesses, only 01 PW has been examines so far and it will take long time in conclusion of the trial. It is also submitted that to show their bonafide, without prejudice to their right of defence, the petitioners are ready to deposit Rs.1.00 lac each with the trial Court, subject to final outcome of the trial.

Learned State counsel has filed the custody certificate in the Court today and has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering long custody of the petitioner and the fact that offences are triable by the Court of Magistrate and only one prosecution witness has been examined so far, out of total 22 PWs, this petition is allowed and the petitioners are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

This will, however, be subject to the condition that while furnishing bail/surety bonds, without prejudice to their right of defence and

subject to final outcome of the trial, the petitioners will deposit Rs.1.00 lac each with the trial Court, which will be kept in FDR.

[ARVIND SINGH SANGWAN]
JUDGE

25.05.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No