

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(219)

CRM-M-46457-2022

Date of decision: - 14.10.2022

Gurpreet Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sandeep Kumar, Advocate, for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

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.56 dated 02.08.2022, registered under Sections 420 and 120-B IPC, at Police Station Sudhar, District Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 16.08.2022 and the investigation is not complete and thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case. It is also submitted that in the present case, the FIR has been registered on the complaint of parental uncle of the petitioner, namely, Banta Singh and the account of the wife of the petitioner, into which the alleged amount of Rs.30 lakhs was stated to have been transferred, has been frozen by the Bank and thus, even in case the allegations levelled in the FIR are to be

taken on face value, even then, no loss has been caused to the complainant. It is stated that the wife of the petitioner (co-accused Bhupinder Kaur) in whose account the amount had been transferred, has already been granted the concession of regular bail by the Additional Sessions Judge, Ludhiana, vide order dated 21.09.2022. It is also stated that in fact, the complainant had himself transferred the money, after withdrawing the money from the FDs account and had transferred the same into the saving account, which could not have been done without the complainant himself going to the Bank. It is further stated that subsequently, on account of dispute in the family, the present FIR has been registered on 02.08.2022, with respect to transfer which took place on 09.05.2022.

Learned State counsel, on the other hand, has opposed the present petition and has submitted that the investigation in the present case is still pending.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 16.08.2022 and the investigation is not complete and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. The entire case is based on documents. The amount of Rs.30 lakhs is stated to have been transferred into the account of wife of the petitioner from the account of complainant Banta Singh, which has since been frozen by the Bank as apparent from para No.9 of the order dated 21.09.2022 (Annexure P-4 granting bail to the wife of the petitioner). The wife of the petitioner, in

whose account the amount has been transferred, has already been granted the concession of regular bail by the Additional Sessions Judge, Ludhiana. The case is triable by the Magistrate.

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.

However, 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.

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 are only for the purpose of adjudicating the present bail petition.

October 14, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No