

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-50751-2021 (O&M)
Date of Decision:-4.5.2022

Pardeep Giri ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Kamaljeet Singh.

Mr. Mohit Vashishat, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.114 dated 15.8.2020, Police Station Rahon, District SBS Nagar, Punjab, under Sections 406, 420 of Indian Penal Code, Section 13 of Punjab Travel Professionals (Regulation) Act and Section 24 of Immigration Act, 1983, wherein the allegations broadly are to the effect that the petitioner alongwith other co-accused had duped the complainant of an amount of Rs.13 lakhs on the pretext of sending the complainant's son abroad.

2. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that it is unlikely that the complainant would have passed on such a huge amount by way of cash only. Learned counsel has further submitted that the petitioner, in any case, in order to prove his *bonafides* is willing to deposit an amount of Rs.5 lakhs before the Trial Court/Illaqa Magistrate under protest.
3. On the other hand, learned State counsel assisted by learned counsel for the complainant has submitted that there are bank entries in the account of the complainant, which do show that huge amount of cash had been withdrawn though not strictly in the shape of any cheque favouring the accused. Learned State counsel has further submitted that since the petitioner stands involved in one more case under NDPS Act, he does not deserve the concession of bail. Learned State counsel has informed that the petitioner as on date has been behind bars since the last about 7 months and 19 days and that although challan has been presented and charges are yet to be framed and that as many as 21 PWs have been cited.
4. Learned counsel representing the complainant has informed that the petitioner had earlier been involved in yet another FIR i.e. FIR No.104, dated 20.5.2020 registered at Police Station Mehatpur, Jalandhar, under Section 420 of Indian Penal Code and Section 13 of Punjab Travel Professional (Regulation) Act, 2014, which the petitioner had compromised at a later stage. It has been submitted that there are other complaints of identical nature also pending against the petitioner.
5. Without commenting anything as regards merits of the case but while noticing that the petitioner has been behind bars for a substantial period of 7

months and 19 days and has also made an offer to deposit an amount of Rs.5 lakhs under protest before the Trial Court/Illaq Magistrate to show his *bonafides*, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6. The aforesaid directions shall, however, be subject to the condition that the petitioner, as per his offer, shall deposit an amount of Rs.5 lakh before the Trial Court/Illaq Magistrate. Upon deposit of such amount, the Trial Court/Illaq Magistrate shall get the same invested in some FDR with some Nationalized Bank with a specific direction to Manager of the bank concerned not to entertain any request for encashment of the same except under orders of the Court. Upon the petitioner being declared innocent or being acquitted and such acquittal attains finality, the petitioner shall be entitled to proceeds of the said FDR. However, in case the petitioner is found guilty and is convicted and such conviction attains finality, the complainant shall be entitled to proceeds of the FDR in question.

4.5.2022

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No