

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

CRM-M-52798-2021 (O&M)
Date of Decision:- 19.7.2022

Joginder Pal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Puri, Advocate for
Ms. Deepti Rampal, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Vinod Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.0017, dated 2.3.2021, Police Station Taragarh, District Pathankot, under Sections 420, 465, 467, 468, 471, 120-B IPC.
2. The FIR was initially lodged at the instance of Madan Singh wherein the particulars of 9 aggrieved persons/complainants have been mentioned. The allegations, in nutshell, are to the effect that one Harish had held out representation that he could provide job to the children of the complainants and the complainants being taken in by

the said representation had handed over huge amounts to said Harish,
the details of which are as follows:

Sr. No.	Name and Address	Amount
1.	Madan Lal son of Rattan Singh R/o Village Malkana	Rs.3,00,000/-
2.	Happy son of Sh. Roop Lal R/o Village Lahri Gujran	Rs.3,00,000/-
3.	Sohan Lal resident of Village Parmanand	Rs.3,00,000/-
4.	Ravinder @ Happy son of Om Parkash R/o Village Sarna	Rs.3,00,000/-
5.	Karam Chand son of Mathura Dass R/o Village Daner	Rs.2,50,000/-
6.	Narinder Saini S/o Parkash Chand R/o Village Pathan Chak	Rs.1,50,000/-
7.	Rahul son of Dharam Pal R/o Village Dhira	Rs.2,00,000/-
8.	Sudesh Kumari w/o Joginder Pal R/o Village Dhira	Rs.2,00,000/-
9.	Joginder Pal S/o Kartar Chand R/o Village Lahri Gujran	Rs.3,00,000/-

3. It is further the case of prosecution that during the course of investigation it surfaced that the petitioner was also hands in gloves with the Harish. It is further the case of prosecution that when the statements of the complainants were recorded, they categorically named the petitioner to have played an active role in defrauding them and had also accepted amounts from them. It is further borne out from investigation that subsequently Harish had issued a cheque to complainant Madan Singh which upon its

presentation was dishonoured. Later it was found that in fact the account from which the cheque was drawn was not even in the name of Harish and the cheque book in fact had been stolen from one lady Amarjot Kaur by a friend of Harish.

4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that he is nowhere named in the FIR but the police has subsequently involved him on the basis of false allegations. Learned counsel has further submitted that the petitioner has otherwise been behind bars since the last about 11 months and has a clean record and as such deserves the concession of bail.
5. Opposing the petition, learned State counsel has submitted that the evidence collected during investigation clearly shows complicity of accused and that all the complainants have stated about the role played by petitioner and that he had been given substantial amounts. It has however, been submitted that the petitioner is not involved in any other case and as on date has been behind bars since the last about 10 months and 15 days. It has also been informed that as on date examination-in-chief of 3 PWs have been recorded out of the cited 24 PWs.
6. I have considered rival submissions addressed before this Court.
7. It is no doubt correct that the petitioner is not named in the FIR but during the course of investigation the prosecution has collected sufficient evidence to connect the petitioner with the fraud in question. However, at the same time this Court also finds that the

petitioner has been behind bars for a substantial period of about 11 months and otherwise has a clean record and as on date examination-in-chief of 3 PWs only out of the cited 24 PWs have been recorded. As such, conclusion of trial is likely to consume time. Under such circumstances, further detention of petitioner would not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.7.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No