

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49224-2022

Date of Decision: 05.12.2022

MUKESH VERMA ALIAS BABLU

....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amit Gupta, Advocate for Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 0006 dated 15.03.2019, under Section 406 of the Indian Penal Code, 1860 and Section 76 of Chit Fund Act, 1982, registered at Police Station Narot Jaimal Singh, District Pathankot, Punjab.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 19.08.2022 and thereafter, the police has already completed the entire investigation and now the challan has been presented before the Competent Court. He has also submitted that it is a case where the allegations against the petitioner were that the petitioner had taken Rs.15 lacs from the complainant on the pretext of sending him abroad and another sum of Rs.6 lacs was given in respect of one Committee money and in this way, a total of Rs. 21 lacs was taken by the petitioner from the complainant by way of cheating. He has further submitted that during the course of

investigation, it was found that so far as the allegations pertaining to Rs.15 lacs is concerned, the same was unfounded and the same is reflected from the police report itself. He has further submitted that so far as the allegations of Rs.6 lacs in respect of Committee money is concerned, the same is also a matter of dispute, which can be seen only by adducing evidence at the time of trial and the present FIR is a result of only an earlier financial dispute between the parties, which has been given a criminal favour. He submitted that the petitioner is not a habitual offender and is not involved in any other case and since, the investigation of the case is complete and conclusion of the trial will take long time, therefore, the petitioner may be considered for grant of regular bail.

On the other hand, Mr. Shiva Khurmi, learned Assistant Advocate General, Punjab, on instructions from ASI Mohan Singh, has submitted that it is correct that the petitioner is in custody from 19.08.2022 and the police has already completed the investigation and it is also correct that the petitioner is not involved in any other case. He has, however, opposed the prayer for grant of regular bail on the ground that it was a case where the petitioner has not only cheated the complainant but has also not returned the money back.

I have heard the learned counsel for the parties.

On the face of it, prima facie the dispute appears to that of financial dispute between the parties. The petitioner is in custody from 19.08.2022 and as per the learned counsel for the parties, the investigation is complete. Whether the petitioner has cheated the complainant or not is a matter of evidence, which can be seen at the time of trial but as per the learned counsel for the parties, the petitioner is not a habitual offender and is not involved in any other case. Furthermore, it is not the case of the State that in case the

petitioner is released on bail, he may influence any witness or may tamper with evidence or may flee from justice.

At this stage, learned counsel for the State has pointed out that during the course of investigation, offence under Section 201 IPC has been added later on.

Learned counsel for the petitioner submits that he is not aware with regard to the same and on his oral request, the offence under Section 201 IPC may be added in the head-note of the petition as well as in the prayer clause.

It is, therefore, directed that the provisions of Section 406 IPC read with Section 76 of the Chit Fund Act, 1982 in the head-note and in the prayer clause shall be deemed to be read as Sections 406 IPC, 201 IPC and Section 76 of the Chit Fund Act, 1982.

In view of the aforesaid totality of facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

05.12.2022

Poonam Negi

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking
Whether reportable

: Yes/No
: Yes/No