

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-51662-2022

Date of decision : 16.11.2022

Balwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Kanhiya Soni, Advocate for
Mr.Sunil Kumar Bhorla, Advocate
for the petitioner.

Mr.Iqbal S.Mann, 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.86 dated 26.09.2021 registered under Sections 420, 465, 468, 471, 120-B IPC at Police Station Khanauri, District Sangrur.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 30.09.2022 and the investigation and trial will take time and the entire case is based on documents and thus, no purpose would be served by keeping the petitioner in further incarceration. It is submitted that the petitioner is not involved in any other case and as per the allegations in the FIR it has been stated by the complainant that he was duped of an amount of Rs.7,50,000/- and it is the further case of the complainant that the cheque amounting to Rs.7 lacs was issued by co-accused Jhujhar Singh in favour of the complainant. It is stated that in order

to show his bonafide and without admitting his liability, the petitioner is ready to pay Rs.1 lac to the complainant within a period of three weeks from today.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner along with other co-accused had duped the complainant of an amount of Rs.7,50,000/- on the promise of getting a job as T.C. in the railway department for the petitioner.

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

The petitioner has been in custody since 30.09.2022 and the investigation and trial will take time and the petitioner is stated to be not involved in any other case and the entire case is based on documentary evidence and as per the FIR, the petitioner and other co-accused persons had duped the complainant of an amount of Rs.7,50,000/- regarding which a cheque amounting to Rs.7 lacs was issued by co-accused Jhujhar Singh in favour of the complainant and in order to show his bonafide and without admitting his liability, the petitioner is ready to pay Rs.1 lac to the complainant within a period of three weeks from today.

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 and subject to the petitioner depositing an amount of Rs.1 lac in the name of the complainant before the trial Court within a period of three weeks from today. The trial Court is directed to release the said amount to

the complainant.

It is made clear that in case the said amount is not deposited within a period three weeks from today, then the petition shall be deemed to have been dismissed. The payment of Rs.1 lac to the complainant would be not construed as an admission of guilt by the petitioner.

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.

(VIKAS BAHL)
JUDGE

November 16, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No