

**217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-55982-2022
DECIDED ON: 7th DECEMBER, 2022**

MANDEEP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. S.K. Choudhary, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The instant petition has been filed seeking regular bail in FIR No. 83, dated 28.05.2022, under Section 420 IPC, registered at Police Station City Batala, District Batala (Gurdaspur).

Learned counsel for the petitioner contends that the petitioner has transferred an amount of ₹80,000/- in the account of main person Rajesh Kumar and remaining amount of ₹2,00,000/- was given in cash to him but the investigating agency has declared Rajesh Kumar as innocent, during investigation.

Custody certificate of the petitioner filed by the counsel for the State is taken on record.

On the other hand, learned State counsel has vehemently argued

that it is the petitioner who received the amount in his bank account but he took a plea that the same was handed over to Rajesh Kumar in cash, which highly improbable.

Be that as it may, the fact with regard to the deposit of an amount Rs.80,000/- in the account of Rajesh Kumar as well as the fact that he was declared innocent during the investigation, along-with other co-accused, clearly indicates that Rajesh Kumar is also involved in the commission of offence. In case the Rajesh Kumar has been declared innocent during investigation, then the case of the petitioner also needs to be investigated from that angle.

Keeping in view the custody period of the petitioner and considering the fact that the co-accused namely Rajesh Kumar, who was also the beneficiary as per the FIR, has been declared innocent, the petitioner deserves the concession of regular bail and accordingly, the petitioner is ordered to be released bail subject to his furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

Accordingly, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

7th DECEMBER, 2022
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>