

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-1991-2023 (O & M)****Date of decision: 07.02.2023**

Sanjay Raghunath Sawant

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Ms. Navreet Kaur Barnala, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.12 dated 25.01.2022 under Sections 420, 467, 468, 471, 120-B IPC registered at Police Station Division No.2, Pathankot.

2. The instant FIR No.12 dated 25.01.2022 under Sections 420, 467, 468, 471 and 120-B IPC (Annexure P-1) came to be registered at Police Station Division No.2, Pathankot, on the basis of a complaint dated 28.12.2021 and 29.12.2021 submitted by the complainants-Baljinder Singh son of Balwinder Singh, Bhagat Singh son of Mohan Singh, Shubham Kumar son of Saminder Singh, Baljit Kumar son of Jagdish Pal and Gurwinder Singh son of Dilbagh Singh.

3. The allegations were that the accused including the petitioner had cheated the complainants for an amount of Rs.22,70,000/- on account of providing them employment in the Civil Supply Depot, Army, Pathankot and had also provided certain documents to show that the complainants had been

During the course of investigation, it was revealed that one Jaswant Singh took the complainants to meet co-accused Nizamuddin Sheikh, who promised the complainants that they would be provided the job of a Store Keeper in the Civil Supply Depot, Army, Pathankot, for which various amounts of money were paid to the accused. Thereafter, Nizamuddin Sheikh is stated to have taken the complainants to meet the present petitioner, who masqueraded as an officer of the Army. Various original documents, certificates, etc. alongwith cash amounts were paid to Nizamuddin Sheikh who handed over the same to the present petitioner.

4. The learned counsel for the petitioner contends that the co-accused-Jaswant Singh is actually the main accused and has been discharged as per order, Annexure P-2. Nizamuddin Sheikh, co-accused of the petitioner had been granted the concession of bail vide order dated 28.10.2022 (Annexure P-3). He submits that since the petitioner was in custody since 12.08.2022, none of the 22 prosecution witnesses had been examined so far and he was a first-time offender, he also be granted the concession of bail.

5. The learned counsel for the State, on the other hand, has filed a reply by way of affidavit of Lakhwinder Singh, PPS, Deputy Superintendent of Police, Sub Division City, District Pathankot dated 06.02.2023. While referring to the aforesaid reply, he contends that the petitioner is, in fact, the main accused. Therefore, he was not entitled to the grant of bail. He, however, does not dispute the fact that Jaswant Singh had been discharged and the co-accused of the petitioner, namely, Nizamuddin Sheikh had been granted the concession of bail.

6. I have heard the learned counsel for the parties.

7. Admittedly, the case is triable by the Court of a Magistrate. The

the course of Trial. He is stated to be in custody since 12.08.2022 and none of the 22 prosecution witnesses have been examined so far. He is also a first-time offender. As such, the further incarceration of the petitioner is not required.

8. In view of the above, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Sanjay Raghunath Sawant is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any other case except the present one.

10. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

February 07, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No