

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

213

**CRM-M-6202-2023
Date of decision: 10.02.2023**

Gurpreet Singh SahotaPetitioner

Versus

U.T. of ChandigarhRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kulwinder Singh, Advocate
for the petitioner.

Mr. J.S. Toor, Addl. P.P., U.T., Chandigarh.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.218 dated 13.10.2017 lodged under Section 420 of the IPC (Sections 120-B and 174 of the IPC added lateron) registered at Police Station Sector-26, District Chandigarh.

Learned counsel for the petitioner submits that while stepping into the witness box, two of the prosecution witnesses deposed that they had received Rs.25 lakhs from one Om Parkash and they did not state anything incriminating against the present petitioner. He submits that in the circumstances, it is evident that the petitioner had been falsely implicated in the case in hand. He further submits that the petitioner has now been in custody since 24.05.2022 and there is no likelihood of the trial concluding in the near future as only 02 out of the 13 prosecution witnesses stand examined. He thus submits that in the circumstances, further incarceration of the petitioner would serve no

useful purpose.

Per contra, learned State counsel has vehemently opposed the prayer made by the counsel opposite. It has been submitted that the FIR in question was registered way back on 13.10.2017 and thereafter the petitioner absconded for about 05 years and during the time when he absconded he was yet again involved in a number of criminal cases which find duly reflected in the custody certificate which has been placed on record by the learned State counsel. Learned State counsel has also invited the attention of this Court to the other criminal cases which stand registered against the petitioner prior to the registration of the FIR in question. It has been submitted that the delay in the trial has been on account of the conduct of the petitioner himself. He submits that even if two witnesses had not deposed categorically against the petitioner it would not come to his rescue as the FIR in question was registered at the instance of the complainant who is yet to be examined. Learned State counsel has lastly submitted that in case the petitioner is enlarged on bail, he could yet again abscond.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner admittedly is involved in a large number of criminal cases. In the instant case, he absconded for about 05 years. Looking to the criminal antecedents of the petitioner, this Court is not inclined to extend the concession of bail to him more so when the complainant has not yet been examined. As per allegations levelled in the FIR (Annexure P-1) the petitioner duped the complainant of a huge amount of money (approximately Rs.1.50 crores) on the pretext of

sending him abroad. Besides this, he also took away the original educational certificates of the complainant.

Hence, in the aforementioned facts and circumstances, the petitioner does not deserve the concession of bail. Accordingly, the instant petition is dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10.02.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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