

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M No.7448 of 2023

Amarjit Singh @ Bhullar

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M No.9847 of 2023

Rakesh Kumar

... Petitioner

Versus

State of Punjab

... Respondent

Date of decision: 29th November, 2023

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Narinder S. Lucky and Mr. Dheeraj Mahajan,
Advocates for the petitioners.

Mr. Mohit Kapoor, Addl. Advocate General, Punjab
for the respondent/State.

Mr. Munish Puri, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners in both the petitions detailed hereinabove are seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.149 dated 23.12.2022 under Sections 417, 420, 120-B IPC read with Section 66(C) of the Information Technology Act, 2000 registered at Police Station Division No.1, District Pathankot.

2. Learned counsel for the petitioners inter alia contend that in a case of Magisterial trial, the petitioners have now been in custody for almost a year, having been arrested on 23.12.2022. It has been submitted that all the 4 material witnesses including the complainant stand

examined, however, 5 witnesses cited by the prosecution still remain to be examined, and hence, there is no likelihood of the trial concluding in the near future. Learned counsel further submit that the petitioners have no criminal antecedents as they are not involved in any other criminal case, much less a case of similar nature. A prayer has therefore, been made for extending the concession of bail to the petitioners, as their further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that the petitioners in connivance with each other induced the complainant to part with a huge amount of approximately ₹ 30.00 lacs on the pretext of giving good returns on the amount so invested with their IGP Company and thus, cheated him. Learned State counsel has, however, not been able to dispute that all the 4 material witnesses including the complainant, stand examined and 5 prosecution witnesses still remain to be examined.

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

5. The petitioners have now been in custody since 23.12.2022 and the trial would take considerable time to conclude as 5 witnesses cited by the prosecution still remain to be examined. In addition to this, all the material witness including the complainant already stand examined. In the facts and circumstances as enumerated hereinabove, coupled with the fact that it is a case of Magisterial trial, this Court, thus,

deems it fit to extend the concession of bail to the petitioners. Both the petitions, as such, are allowed and the petitioners are admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

November 29, 2023

rps

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