

CRM-M-8274-2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8274-2023 (O & M)

Date of decision: 21.02.2023

Mandeep Singh

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Jitender Singh Dadwal, Advocate, for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in FIR No.0073 dated 04.07.2022 under Sections 420, 406, 120-B IPC at Police Station Shimlapuri, District Ludhiana.

2. The brief facts of the case are that the complainant-Karamjeet Kaur informed the investigating agency that she wanted to obtain a loan for which she contacted Aarti and the present petitioner-Mandeep Singh, owner of Hardeep Furniture House. They demanded various documents from her (complainant) and also obtained her signatures. They told her that a loan of Rs.5(1) had been sanctioned for her. Rs.4500/- out of Rs.5,000/- was given to her after deducting Rs.500/- as file charges. She was told to repay the loan in 05 equal installments of Rs.11,000/- each. Subsequently, she got a message on her phone from IDFC Bank that the loan was for Rs.20,600/- installment of which was Rs.17,600/- . After 15 days, she got a second

message that installment of Rs.17,600/- was due to be paid to the Bank.

She, thereafter, went to the Manager of the IDFC Bank and was told that the loan had been obtained by Hardeep Furniture House on her behalf. Legal action was sought for taking a loan on her name by forging documents.

3. The learned counsel for the petitioner contends that the petitioner was an employee with Hardeep Furniture House, the proprietor of which was Hardeep Singh and the transactions of the Firm were done from the bank account of Hardeep Singh and the loan amount which was sanctioned was also deposited in the account of Hardeep Singh. In fact, the petitioner has been falsely implicated being an employee after a gap of more than one year from making of the complaint on 23.06.2021. The petitioner was in custody since 17.12.2022, none of the prosecution witnesses had been examined so far and since he was a first-time offender, he was entitled to the grant of bail.

4. The learned counsel for the State, on the other hand, contends that the petitioner is one of the main accused who misled a widow lady, thereby, cheating her and obtaining a loan using her documents. Therefore, he was not entitled to the grant of bail. He, however, concedes that the petitioner is a first-time offender, is in custody since 17.12.2022 and none of the prosecution witnesses had been examined so far.

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

6. Admittedly, the case is triable by the Court of a Magistrate. This Court in the case of **“Maninder Sharma versus State Tax Officer, State Tax, Mobile Wing, Jalandhar, Punjab, (CRM-M-24033-2021 decided on 31.08.2022)”**, has stated that broadly speaking (subject to any statutory restrictions contained in Special Acts), in economic offences involving the

complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule”.

7. In the instant case, the petitioner is in custody since 17.12.2022 and none of the prosecution witness had been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. As such, the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Mandeep Singh, 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 case other than the present one.

10. In addition, the petitioner (or through someone else on his behalf) shall prepare an FDR in the sum of Rs.50,000/- 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.

February 21, 2022
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No