

207 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-14251-2023  
Date of decision: 11.04.2023

LUKESH MASIH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Barjinder Singh, Advocate for  
Mr. Harjot Singh Mann, Advocate  
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

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**VIKRAM AGGARWAL, J. (ORAL)**

Custody certificate has been filed. The same is taken on record.

Prayer in the present petition for the grant of regular bail in case FIR No.183 dated 13.10.2015 registered under Sections 420, 466, 467, 468, 471, 120-B at Police Station E Division, Amritsar, District Amritsar City.

The allegation levelled by the complainant Satnam Singh was that the petitioner along with one other person by the name of Hardeep singh had promised that they would arrange a job for his son in the Railways and for the said purpose they charged Rs. 9 lacs. A forged letter of appointment is also stated to have been given to the complainant. However, neither the job was provided nor the money was returned. Accused Hardeep Singh was arrested. After trial he was convicted under

Section 420, 120-B IPC vide judgment dated 21-10-2022. The petitioner could not be apprehended till 09-08-2022 when he was finally arrested and is in custody since then. Final report under Section 173 Cr.P.C. is stated to have been submitted and charges have been framed.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He states that he was in custody in some other case and was lodged in the Central Jail Patna and the moment he came out, he was arrested in the present case. He submits that the trial will take a sufficiently long time and therefore no useful purpose would be served by keeping the petitioner in custody any longer as he is already in custody for the last 8 months.

On the other hand learned counsel representing the State of Punjab has opposed the bail application. It has been submitted that the petitioner is a habitual offender having a number of cases registered against him and if he is released on bail, he may not only threaten or influence the witnesses but may also abscond.

I have considered the submissions made by learned counsel for the parties.

No doubt the petitioner could not be arrested for a period of 7 years. However, it has not been denied that the petitioner was in custody in some other cases and lodged in Central Jail Patna. He is in custody for the last 8 months. Merely because other cases are pending against him, bail should not be denied in the present case. Final report under Section 173 Cr.P.C. has been submitted and charges have been framed. Trial will take a sufficiently long time and, in the considered opinion of this Court, no useful

purpose would be served by getting the petitioner in custody any longer.

In view of the aforementioned facts and circumstances, the present bail application is allowed. The petitioner is order to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/duty Magistrate. The trial Court/duty Magistrate may impose stringent conditions upon the petitioner while accepting the bail bonds/surety bonds. In case of violation of the conditions so imposed, the requisite action as envisaged by law be initiated immediately.

**11.04.2023**  
**himanshu**

**(VIKRAM AGGARWAL)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No