

CRM-M-17458-2023

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213

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17458-2023
DECIDED ON: 20.04.2023

RUPESH VASANT SHINDE

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ashish Gupta, Advocate for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The instant petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No.0039, dated 15.03.2022 under Sections 406, 420, 506 of IPC registered at Police Station Division No.7, Ludhiana, District Police Commissionerate Ludhana.

Learned counsel for the petitioner vehemently contends that the allegations against him while working with accused in the instant FIR are that the complainant has dispatched a consignment to BG Enterprises on the asking of the petitioner which belongs to his wife and against that consignment the petitioner was to pay an amount of Rs.71,27,312/-.

Mr. Sahil Singh, Advocate has put in appearance on behalf of complainant and filed his memo of appearance which is taken on record. He states that the consignment was dispatched at the address given for BG Enterprises which firm belongs to the wife of the petitioner and the bank account who is now

denying the payment/legal liability and therefore he is not entitled to any concession of regular bail at this stage before this Court.

On the other hand learned State counsel has produced custody certificate dated 19.04.2023 which is taken on record. According to which, the petitioner has undergone 03 months and 05 days of actual custody. He submits that the firm BG Enterprises is a sham firm created by the petitioner which is actually in the name of one Bablu Ram Dhan Gupta but even the assertions made by the complainant are found to be false qua the fact that the said BG Enterprises belonging to the wife of the petitioner, whereas the name in the Aadhar Card given to the Investigating Agency by the respondent/complainant is in the name of her daughter Tanuja Rupesh Shinde, who is 13 years of age at this time.

Looking into the totality of the fact that the petitioner has already served 03 months and 05 days in incarceration wherein the investigation is complete. Challan stands presented on 24.02.2023 showing that nothing is to be recovered, investigation is complete, no fruitful purpose would be served by keeping the petitioner behind bars, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is, therefore, allowed.

(SANDEEP MOUDGIL)
JUDGE

20.04.2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No