

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.229

CRM-M-17767-2023
Date of decision: 26.05.2023

Tarun Sharma

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sukhsandesh Singh Chahal, Advocate for
Mr. K.P. Singh, Advocate
for the petitioner.

Mr. A.P.S. Tung, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.25 dated 03.02.2023 registered under Sections 420, 406 and 120-B IPC at Police City Phagwara, District Kapurthala.

2. Briefly stated, the case of the prosecution is that the complainant's son and the petitioner's sister got married on 12.07.2017. Thereafter, the complainant spent Rs.20 lakhs on the education of the petitioner's sister. Such amount was spent on the promise of the petitioner and his family members that after the petitioner's sister passes all her exams and then immigrates to Canada, she would sponsor the immigration of the complainant's son. However, the petitioner's sister, after having received her education, immigrated to Canada but refused to sponsor the

complainant's son.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case on account of a marital discord between the petitioner's sister and the complainant's son; the petitioner has no other criminal antecedents; the petitioner is in custody since 05.03.2023; investigation in the case is complete and therefore, the petitioner is in no position to influence the same; similarly placed co-accused Deepak Sharma, who is the petitioner's father, has been granted ad-interim anticipatory bail by this Court; the allegations against the petitioner's sister are absolutely false as the petitioner's sister had duly written to the immigration authorities of Canada to invite her husband (the complainant's son) but before such application could fructify the relations between the parties turned sour (in this regard attention of this Court is drawn to Annexure P-2 which is a letter by the petitioner's sister to the Canadian authorities) and that the petitioner's trial, as and when it begins, is likely to take a long time to conclude.

4. Learned State counsel opposes the petition.

5. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

6. In the light of the afore-referred communication (Annexure P-2) whether the petitioner's sister made earnest efforts to sponsor the complainant's son's immigration to Canada would be debated during the course of the petitioner's trial. Nonetheless, the petitioner is in custody since 05.03.2023; the petitioner has no other criminal antecedents; investigation in the case is complete and therefore, the petitioner is in no position to influence the same; similarly placed co-accused Deepak Sharma, who is the

petitioner's father, has been granted ad-interim anticipatory bail by this Court and that the petitioner's trial, as and when it begins, is likely to take a long time to conclude.

7. Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Kapurthala the petitioner is directed to be released on bail.

8. It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

May 26, 2023
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No