

202

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M No. 18480 of 2023
Date of Decision: 31.05.2023**

Gourav Mehra

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Sushil Kumar Bhardwaj and
Mr. Bharat Bhandari, Advocates for petitioner.

Mr. Mohit Thakur, AAG, Punjab

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.03 dated 05.01.2018 under Sections 406, 420 of IPC and Section 24 of Immigration Act, 1983 registered at Police Station Division No.1, District Jalandhar, Punjab (Annexure P-1).

2. The learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He submitted that the petitioner has no connection with the alleged crime and the alleged bargain was effected by the complainant with the co-accused Divya Sharma. He submitted that the petitioner was not aware of the pendency of the case due

to which he could not appear in Court and was later on declared as proclaimed person in the case and was arrested on 08.03.2023, as such he prayed for grant of bail.

3. The learned State Counsel has placed on record the status report in the form of the affidavit of Assistant Commissioner of Police North Jalandhar dated 25.05.2023 and also the custody certificate showing the petitioner having spent 2 months and 20 days in custody. He further stated that the challan has been presented in the Court. He has prayed for dismissal of the petition by arguing that the petitioner is involved in a heinous crime and has already evaded his arrest for many a years and if granted bail he may again abscond.

4. After considering the rival contentions, it transpires that in the present case the allegations against the petitioner are that he along with co-accused Divya Sharma had duped the complainant on the pretext of sending him to Australia but he never fulfilled his promise as on one occasion he was taken to Thailand and on another occasion to Indonesia and then back to India. After being declared as proclaimed offender in the present case, the petitioner was arrested only on 08.03.2023 and since then he is in custody. As stated above the challan against the petitioner had already been presented in Court after completion of investigation and the criminal liability if any of the petitioner will be determined after completion of trial which will take sufficient time, therefore, no purpose would be served by detaining him in custody any longer.

5. In view of the facts and circumstances, without commenting on the merits of the case the petition is hereby disposed of, and the petitioner is

ordered to be admitted to bail on his furnishing bail bonds to the satisfaction of learned CJM/Duty Magistrate concerned. The petitioner is further directed to appear regularly before trial Court; and not to leave the country without prior permission of the Court; not to tamper with evidence of prosecution in any manner.

6. Anything stated here in above, shall not be construed as the opinion of this Court on merits of the case.

(SANJIV BERRY)
JUDGE

31.05.2023
Gyan

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |