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

**CRM-M No. 20899 of 2023
Date of Decision: 02.06.2023**

Ramesh Kumar @ Ramesh Kumar Bali

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Amandeep Saini, Advocate for petitioner.

Mr. Mohit Thakur, AAG, Punjab

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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.107 dated 05.11.2022 under Sections 406, 420, of IPC and Section 13 of Punjab Travel Professional (Regulation) Act, registered at Police Station Sadar Nawanshar, Distt. S.B.S. Nagar (Annexure P-1).

2. It has been contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submitted that petitioner is not a travel agent nor he is doing any work of sending people abroad. He submits the present FIR has been registered after an inordinate delay of 7 years. Investigation in this case has already been

concluded and report under Section 173 Cr.P.C has been filed in Court. Petitioner is in custody since 14.01.2023. He further submits that petitioner is not required in any other case and as such prayed for grant of bail to the petitioner.

3. The learned State counsel has filed custody certificate showing the petitioner being in custody for 4 months and 15 days. The same is taken on record.

4. Learned State counsel has vehemently opposed the bail application by arguing that the petitioner has been actively involved in the crime as he had been aluring innocent citizens to be sent abroad and taking hefty amount from them and ultimately defrauding them. He as such prayed for dismissal of the petition. He, however, submitted that two other cases were registered against the petitioner out of which in one case he has been acquitted and in the other case he is on bail.

5. After considering the rival contentions and going through the record, it transpires that as per the case of the prosecution, the petitioner cheated complainant of ₹7,50,000/- on the pretext of sending his son Jatinder Kumar abroad (Australia). Complainant paid ₹7,50,000/- from the account of her daughter Roma Rani to the account of the petitioner by making three transactions amounting to ₹2,50,000/- each but the petitioner neither sent the son of the complainant to Australia nor return the money. On repeated requests petitioner returned ₹2,00,000/- and gave excuses for the remaining amount, thereby compelling the complainant to file the present case.

6. As per custody certificate the petitioner has already spent 04 months and 15 days in custody and he is not required in any other case. Further, the challan against the petitioner has already been filed in the Court meaning thereby that he is no more required for further investigation. The criminal liability, if any, of the accused-petitioner shall be determined only after the trial and no purpose would be served by keeping the petitioner in custody any longer.

7. In view of the facts and circumstances, without commenting on the merits of the case the petition is disposed of, thereby admitting the petitioner to bail on her furnishing bail bonds in the sum of ₹1,00,000/- with one surety in the like amount to the satisfaction of learned CJM/Duty Magistrate concerned. The petitioner is further directed to regularly appear before trial Court; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

02.06.2023
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No