

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

CRM-M-21607-2023(O&M)

Date of Decision:-19.07.2023

Gurpinder Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. R.S. Sekhon, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.201 dated 23.11.2022 under Sections 420, 406, 465, 467, 468, 471 and 120-B IPC registered at Police Station Makhu, District Ferozepur.

2. The present FIR came to be registered against Amritpal Kaur @ Ramanpreet Kaur, Lakhwinder Singh, Gurpinder Singh (petitioner) and Aviral Garg on the application of Sukhdev Singh and Gurlal sons of Sh. Karaz Singh. As per the allegations levelled Gurlal Singh came into contact with Amritpal Kaur @ Ramanpreet Kaur who disclosed that she was an employee of Northern Railways. In the year 2021 some posts of Clerks and TCs had been advertised by Indian Railways and Amritpal Kaur enticed them that she had acquaintances in the Indian Railways. She could arrange a job for an amount of Rs.10 lacs. They (complainant party) sold their combine and made payments to the said Amritpal Kaur. Amritpal Kaur

handed over an identity card and a joining letter of Indian Railways which was subsequently found to be forged. She thereafter refused to return the money taken by her.

3. The Counsel for the petitioner contends that the actual culprit was Amritpal Kaur who had duped the complainant as well as the petitioner. The petitioner himself had paid an amount of Rs.2.5 lacs to Amritpal Kaur to get a job in the Indian Railways. As the petitioner was in custody since 13.03.2023, report under Section 173(2) Cr.PC stood filed and none of the 18 prosecution witnesses had been examined so far, the petitioner was entitled to the concession of bail more so as he was first time offender and the case was triable by the court of Magistrate.

4. The Counsel for the State on the other hand contends that the petitioner along with other co-accused duped the complainants. Offences of this kind are on the rise and, therefore, the nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He however concedes that the petitioner is in custody since 13.03.2023 and none of the 18 prosecution witnesses had been examined so far and that the petitioner is a first time offender.

5. I have heard learned Counsel for the parties.

6. This Court in the case *titled as Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab* bearing CRM-M-24033-2021(O&M) Decided on 31.08.2022 has held as under:-

“ Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts), in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the

rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

7. The veracity of the prosecution case against the petitioner shall be established during the course of the Trial. Admittedly, the investigation stands complete and none of the 18 prosecution witnesses have been examined so far. Therefore the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.
8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Gurpinder Singh** son of Sh. Jaswinder Singh is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the present case.
10. In addition the petitioner (or anyone on her behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.
11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 19, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No