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

**CRM-33217-2023 in/and
CRM-M-22477-2023
Date of Decision:10.08.2023**

Mandeep Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sunpreet Singh, Advocate
for the petitioner.

Mr. M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.0173 dated 16.09.2022 registered under Sections 406, 408 of IPC at Police Station City Rupnagar.

The FIR in the present case was registered on the basis of the statement made by Sunil Kumar. As per the complainant, he had appointed Mandeep Singh as a driver, who had taken geysers from Ramdarbar to Amritsar. After reaching Amritsar, he unloaded the articles and received Rs.5 lacs in cash. Even the owner of the Amway Company had confirmed the said facts, but the driver did not reach him. On checking the location of the truck from GPS system, it was found to be parked in the area of Transport Nagar, Rupnagar. The petitioner tried to contact Mandeep Singh, but his phone was switched off and he made a call to father of the petitioner and apprised him of his situation.

Thereafter, brother and sister of Mandeep Singh went to the spot and the truck

was lying locked in the parking area of Transport Nagar, Rupnagar. Thereafter, the complainant went at the spot and found that the lock of the truck was opened and the keys were inside the truck. With these broad allegations, the present FIR was got registered by the complainant.

Learned counsel for the petitioner contends that the allegations on the face of it are false, because as per the provisions of Section 269 ST of Income Tax Act, a transaction in cash cannot exceed Rs.2 lacs and the allegation that the petitioner received a sum of Rs.5 lacs from Amway Company after delivery of geysers, seems unbelievable. Learned counsel further contends that the investigation in the present case has been completed and the challan has been presented. He further contends that only two witnesses, out of total 10 witnesses, have been examined so far and all the offences are triable by the Court of learned Magistrate. Learned counsel further contends that one more case under the Narcotic Drugs and Psychotropic Substances Act, 1985 has been registered against the present petitioner, but the petitioner is on bail in the said case.

On the other hand, learned State counsel has opposed the prayer made by learned counsel for the petitioner on the ground that serious allegations have been levelled against him.

I have heard the learned counsel for the parties and perused the record.

It is not in dispute that the petitioner is in custody since 02.01.2023 i.e. for almost 7 months. The prosecution has only been able to examine two witnesses, out of total 10 witnesses and the further incarceration

of the petitioner will not serve any meaningful purpose.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

Pending application, if any, is also disposed of.

10.08.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No