

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-22804-2023

Date of Decision: 11.05.2023

ASHOK KUMAR

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. R.K. Arya, Advocate for
Ms. Sukhveer Kaur, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

DEEPAK MANCHANDA J.

Instant petition has been filed under Section 439 Cr.P.C is for grant of regular bail in case bearing FIR No. 0025 dated 11.02.2008 registered under Section 420 of the Indian Penal Code registered at Police Station Sadar, District Pathankot.

Learned State counsel has filed custody certificate of the petitioner, which is taken on record.

Brief facts of the prosecution case are that the present FIR has been registered on the basis of complaint filed by complainant Chanan Singh to SSP Gurdaspur against petitioner, Sat Pal Singh, Parkash Chand and Babita with the allegations that the abovesaid persons have taken an amount of Rs.3,80,000/- from his son Tejinder Singh for sending him abroad. After taking the amount, the aforesaid persons avoided his son on one pretext or the other and lastly they have embezzled the amount and did not send his son abroad. Petitioner had given in writing to him that if he will

fail to send his son abroad, then in that event he will pay the double of the

amount. Sat Pal stood surety for petitioner to return the amount. The aforesaid persons have also allured the innocent persons and obtained huge amount for sending them abroad, but failed to do so. The aforesaid persons assured him that if they will fail to send his son abroad, then they will pay the double amount along with interest. On the basis of aforesaid complaint, the present FIR was registered.

Learned counsel for the petitioner submits that the petitioner is not a travel agent and does not have any such business licence and moreover the petitioner was not aware about the registration of above said case against the petitioner before his arrest and now the petitioner is in custody since 24.12.2022, hence the petitioner is entitled for concession of regular bail.

Learned counsel for the petitioner further submits that the petitioner has not committed any offence as alleged in the FIR and same has been registered at his back as the petitioner had left his village so many years ago and arrest of the petitioner is violation of the proviso of law prescribed under Cr.P.C., hence the petitioner is entitled to the concession of regular bail.

On the other hand, learned State Counsel has opposed the aforesaid prayer, however, he does not dispute the fact that charges have already been framed.

Having heard learned counsel for the parties and gone through the case file and custody certificate filed by learned State counsel, it is significant to note that the petitioner is in custody for a period of 04 months and 15 days. Investigation of the case has been completed and challan stands presented. Further, conclusion of the trial will take considerable time.

Therefore, no useful purpose would be served by keeping the petitioner in further incarceration.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

11.05.2023
pry

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No