

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

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2023:PHHC:163682

CRM-M-23935-2023

Date of decision: December 18th, 2023

Satvinder Singh

.....Petitioner

Versus

U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

Mr. Anupam Bansal, Additional Public Prosecutor,
U.T. Chandigarh.

MANJARI NEHRU KAUL, J.

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.68 dated 06.12.2021 under Sections 419, 420, 120-B of the IPC (Sections 66-C, 66-D of The Information Technology Act, 2000 added later on), registered at Police Station Sector 19, Chandigarh.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the instant case along with the co-accused for allegedly duping the complainant of a sum of ₹13,31,7000/- on the pretext of delivering some expensive gifts to her. It has been further contended that the delay of more than 14 days in the lodging of the FIR further hints towards a fabricated case having been planted upon the petitioner. Learned counsel has asserted that the petitioner was, in no manner, the beneficiary of the alleged transaction. Furthermore, he has now been in custody for nearly 23 months in a case triable by Magistrate and only two prosecution witnesses out of the 19

cited have been examined so far. Hence, there is no likelihood of the trial concluding in the near future, for which he deserves to be enlarged on bail.

3. *Per contra*, learned counsel for U.T. Chandigarh while controverting the submissions made by the counsel opposite, has submitted that during investigation, enough material had come to the fore qua the petitioner being a direct beneficiary of the crime in question; it was also a matter of record that an amount of ₹6 lakh had been directly transferred into his bank account. Furthermore, while vehemently opposing the prayer made by the counsel opposite for extending the concession of bail to the petitioner, learned counsel for U.T. has apprised the Court that the petitioner is a man of criminal antecedents as it is matter of record that he is involved in five other cases of similar nature in South India and thus, there is a genuine apprehension that in case he is released on bail, he could abscond during trial.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. *Prima facie*, this Court concurs with the submissions made by the learned counsel for U.T. qua the petitioner being a direct beneficiary of the alleged crime as it is matter of record that money was directly transferred into his account. In view of the criminal antecedents of the petitioner, he does not deserve to be extended the concession of bail.

6. The instant petition stands dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on

the merits of the case.

8. At this stage, a prayer has been made by the learned counsel for the petitioner that since it is a case triable by Magistrate, the trial Court concerned be directed to expedite the trial as the petitioner has been in custody since 17.01.2022.

9. In view of the prayer made by the learned counsel for the petitioner, the trial Court is directed to make earnest efforts to expedite the trial and conclude positively within the next five months.

December 18th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No