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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30251-2023 (O & M)

Date of decision: 18.12.2023

Gurjit Singh

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Shailender Singh Momi, Advocate, for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. R.S. Longia, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

CRM-53138-2023

This is an application under Section 482 Cr.P.C. for directing the Branch Manager, Axis Bank, Dinarpur, Ambala to defreeze the account bearing No.920010068755221 of the petitioner.

The learned counsel for the petitioner submits that he wishes to withdraw this application with liberty to avail his alternative remedies in accordance with law.

Ordered accordingly.

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The prayer in this petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in case FIR No.477 dated

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21.07.2022 under Sections 406, 420 IPC and Sections 10/24 of the Emigration Act, 1983 (later Section 506 IPC added) registered at Police Station Thanesar Sadar, District Kurukshetra, Haryana.

2. The present FIR came to be registered with the allegations that the petitioner had committed cheating to the extent of Rs.16,46,000/- on the pretext of sending the daughter of the complainant abroad.

3. The learned counsel for the petitioner contends that during the pendency of the present petitioner, a compromise had been arrived at between the parties. Therefore, the petitioner be granted the concession of bail, moreso, when the report under Section 173(2) Cr.P.C. had been presented and none of the 15 prosecution witnesses had been examined so far.

4. The learned counsel for the State, on the other hand, contends that the nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He, however, concedes that during the pendency of the present petition, a compromise was arrived at the Mediation and Conciliation Centre of this Court. He also concedes that none of the 15 prosecution witnesses had been examined so far.

5. The learned counsel for the complainant submits that a compromise had been arrived at between the parties and therefore, he has no objection if the petitioner is granted the concession of bail.

6. I have heard the learned counsel for the parties.

7. On 18.08.2023, the following order was passed:-

“The present application has been filed for grant of interim bail to the petitioner for a period of two months on medical ground as the health condition of the applicant-petitioner is deteriorating in the jail.

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Learned counsel contends that the petitioner is 52 years of age and suffering from uncontrolled Diabetic Type-2 chronic disease. He is presently admitted in hospital and has now also been diagnosed with dengue. As per the allegations, an amount of Rs.16,46,000/- was taken by him on the pretext of sending the daughter of the complainant abroad. However, an amount of Rs.23 lacs having been deposited in his bank, has been freezed by the Investigating Agency.

Learned State counsel has got verified the medical condition of the applicant/petitioner and has filed a medical status report dated 18.08.2023 appending there with Annexures R-1 and R-2, being medical opinions of doctors. As per the certificate of the Medical Officer, District Jail, Kurukshetra, it is affirmed that the petitioner is suffering from said disease, as stated by learned counsel for the petitioner and till date is admitted in the hospital.

Keeping in view the above and in the interest of justice, the petitioner is ordered to be released on interim bail for a period of two months from today, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case.

Application stands allowed accordingly.”

8. Pursuant to the aforementioned order, the matter was referred to the Mediation and Conciliation Centre of this Court wherein a compromise has been arrived at between the parties on 14.12.2023. The report under Section 173(2) Cr.P.C. stands presented, but none of the 15 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.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Gurjit Singh is ordered to be released on regular bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the

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Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 18, 2023
sukhpreet

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