

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36371-2022 (O & M)

Date of decision: 10.01.2023

Ashok Kumar

... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. H.S. Randhawa, Advocate,
for Mr. P.S. Ahluwalia, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.63 dated 25.07.2022 (Annexure P-1) under Sections 420, 465, 467, 468, 471 and 120-B IPC registered at Police Station Division No.1, District Police Commissionerate Ludhiana.

On 28.09.2022, the following order was passed in this case:-

“Through this petition, the petitioner seeks regular bail in case bearing FIR No.63 dated 25.07.2022, registered under Sections 420, 465, 467, 468, 471 and 120-B IPC, at Police Station Division No.1, district Police Commissionerate Ludhiana.

Learned counsel for the petitioner would submit that the petitioner was running an agency of the Western Union Money Transfer and that the only allegation against the petitioner is that he had not verified the identity of deceased Amrik Singh and when the identity and the code were presented to him, the money was disbursed. It is further submitted that the total

money disbursed was Rs.2,40,000/- and the commission charged by the petitioner was only Rs.400/-. It is further submitted that the challan has already been presented; the prosecution witnesses are yet to be examined and that the petitioner has been in custody since 28.07.2022.

On the other hand, learned State counsel submits that there had been chain of transactions in the year 2019 and 2020, which reflect that the money was disbursed in the name of Amrik Singh, who passed away in 2016. It is further submitted that after registration of the FIR, even the agency of the petitioner was cancelled. However, he does not dispute the custody period of the petitioner; presentation of the challan and nonexamination of the prosecution witnesses.

I have learned counsel for the parties.

The petitioner has been in custody since 28.07.2022. The petitioner is alleged to have allowed the withdrawal of the money in the name of Amrik Singh, who had died in 2016, after having received commission of Rs.400/-. The challan stands presented and the prosecution witnesses are yet to be examined. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits of the case, let it should prejudice the case of either side, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate.

At this stage, it may be noticed that upon having gone through the status report and document Annexure R.1, I find that during the years 2019 and 2020, there had been 15 transactions, through which money had been transferred through Western Union, in the name of deceased Amrik Singh, from USA, U.K. and Canada.

As the money trails, prima-facie, smacks foul, let the Commissioner of Police, Ludhiana, see whether the matter

could be further investigated and file an affidavit to his effect on or before the date fixed.

Adjourned to 31.10.2022”

While granting bail to the petitioner, the Commissioner of Police, Ludhiana was to examine the matter to see as to whether the further investigation in the matter was required and file an affidavit in that regard.

Pursuant to the aforesaid order, an affidavit of Kaustubh Sharma, IPC, Commissioner of Police, Ludhiana, dated 31.10.2022 has been filed. A perusal thereof would reveal that the further investigation is being conducted in the case as ordered by this Court.

In view of the above, the present petition is disposed of with the liberty to the investigating agency to further conduct the investigation in accordance with law and take appropriate steps against the accused in case any culpability of anyone else is established.

January 10, 2023
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No