

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

CRM-M-37047-2022
Date of Decision:-**15.02.2023**

NEERAJ ATTER

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.246 dated 31.12.2020 registered under Sections 420, 120-B of IPC and Section 24 of Immigration Act, at Police Station Division No.2, District Ludhiana.

The allegations in nut-shell are that the petitioner and other co-accused made promise to complainant to send his son abroad and the deal was settled for ₹16 lac and thereafter the accused persons took ₹3.5 lac from the complainant but they failed to fulfill their promise and also failed to return the said amount.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and there is nothing on the record to show that the complainant ever paid disputed amount to the petitioner. The counsel further submits that now the petitioner is in custody for the last about 10 months and in all the other criminal cases, he has been granted bail and that it will take considerable time for the trial to conclude which is pending in the court of Judicial Magistrate Ist Class, Ludhiana. So prayer is made that the petitioner is released on regular bail during the pendency of the trial.

The instant petition is contested by the State counsel, who submits that petitioner and other accused persons defrauded the complainant of ₹3.5 lacs on the pretext of sending his son to Canada. However, the State counsel has not disputed the fact that the petitioner is in custody for the last 10 months and after conclusion of investigation police has presented challan and charges are also framed.

I have considered the submissions made by counsel for the parties.

Admittedly the offences are triable by the Court of Judicial Magistrate Ist Class and the petitioner is in custody for the last more than 10 months. It will take considerable time for the trial to conclude as no PW has been examined till date. As has been submitted by the counsel for the petitioner, the petitioner has been enlarged on bail in all the other criminal cases faced by him. So no purpose is going to be served by prolonging the judicial custody of the petitioner for any longer period.

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

15.02.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No