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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 18.08.2023

Dharampal Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Gurmeet Singh Saini Advocate for the petitioner.

Mr. Mohit Thakur, AAG Punjab.

ARUN MONGA, J. (Oral)

After being declined bail by the trial Court, petitioner before this Court seeks his release as undertrial in case bearing FIR No.37 dated 15.05.2023 (Annexure P-1), registered under Sections 420 read with Section 120-B of the Indian Penal Code, 1860 (for short 'IPC') at Police Station, Sadar Malout, District Sri Muktsar Sahib.

2. Per FIR, complainant Gurnam Singh alleged that marriage of his son, namely, Kulwinder Singh was fixed with Manpreet Kaur. Petitioner, who acted as a mediator in this marriage, introduced the complainant with Satwinder Singh, Manpreet Kaur and one old aged lady at Ludhiana. Thereafter, said Manpreet Kaur made a conference call to the complainant and demanded money. It was alleged that petitioner along with co-accused used to dupe the innocent people on the pretext of false marriage. In this way, petitioner along with other co-accused duped the complainant of Rs.7,50,000/-. In the course of investigation, petitioner was arrested as a suspect on 16.05.2023.

3. Learned counsel for the petitioner contends that petitioner is innocent and has not committed any offence. He further submits that version of the FIR is concocted and petitioner has no concern with the alleged offence. Further

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submits that petitioner never stood as mediator for the alleged marriage. He is not involved in any other case.

3.1 Learned counsel further contends that nothing is to be recovered from the petitioner and no useful purpose would be served by keeping him behind bars.

4. Per contra, learned State counsel, on instructions from SI Charanjit Kaur, opposes the bail petition and contends that petitioner has committed serious offence. He further submits that petitioner is very much part and parcel of the cartel and used to dupe innocent people on the pretext of performing their marriage. He is thus not entitled to concession of bail.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. On a Court query, learned State counsel submits that challan was presented on 10.07.2023. Investigation is complete, he is thus not required for custodial interrogation. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Allegations against petitioner are a matter of trial at this stage. There are total 13 prosecution witnesses. Conclusion of trial is still likely to take long time as it is proceeding at a snail pace. Whereas, petitioner has already been languishing in jail for the past more than 03 months in preventive custody, being behind the bars since 16.05.2023.

7. Petitioner is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/or influence witnesses. There is no probability of tampering with evidence as the same has already been seized by the investigating agency.

8. Be that as it may, offence allegedly committed by petitioner is of non-violent nature and in that sense his release on bail is not a threat to society at large by committing any violent crime.

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9. It is stated that petitioner is a 50-year oldman and is a Tailor by profession. Being a family man and having clean antecedents and fixed abode, it is unlikely that he is flight risk and/or will flee from the trial proceedings.
10. Considering the overall scenario and without commenting on merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep petitioner in further preventive custody in instant case.
11. Accordingly, petitioner is ordered to be released on bail, in case not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.
12. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.
13. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.
14. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 18, 2023
Ajay

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