

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

CRM-M-41195-2023

Date of Decision:-28.08.2023

Dilwar Ram.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Deepak Verma, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.28 dated 10.03.2023 under Sections 406, 420, 34 IPC registered at Police Station Garshankar, District Hoshiarpur, Punjab and also under Section 120-B IPC added later on vide Rapat No.27 dated 23.06.2023.

2. The brief facts of the case are that one Sonia daughter of Raj Kumar got registered the instant FIR against Dilwar Ram (petitioner), Sunita, Pardeep, Ravinder Kaur and Baljit Singh with the allegations that she and her family had given approximately Rs.25,50,000/- to the Dilwar Ram and some of the other accused with the assurance that she (complainant) would marry Pardeep Singh and he would take her (complainant) along with her brother to UK. However later on it transpired that the accused had cheated them (complainant party).

3. The Counsel for the petitioner contends that the petitioner and

his co-accused have been falsely implicated in the present case. The allegations were vague, ambiguous and without any specific reference to any particular incident. Taking the allegations to be correct the petitioner was only acting as a mediator. As the petitioner was in custody since 28.04.2023 and none of the 23 prosecution witnesses have been examined so far, he was entitled to the concession of bail as the petitioner did not have any criminal antecedents and the case was triable by the court of a Magistrate.

4. The Counsel for the State on the other hand contends that the petitioner along with his co-accused have cheated the complainant's family of a huge amount of money. Therefore, he was not entitled to the concession of bail as prayed for. He however concedes that the petitioner is in custody since 28.04.2023 and none of the 23 prosecution witnesses have been examined so far.

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

6. This Court in the case *titled as Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab* bearing CRM-M-24033-2021(O&M) Decided on 31.08.2022 has held as under:-

“ Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant. ”

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial.

Admittedly the petitioner is in custody since 28.04.2023 and none of the 23

prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. The learned State Counsel has expressed no serious apprehension that the petitioner would abscond from the Trial, tamper with the evidence or influence the witnesses if he is granted the concession of regular bail. Therefore, the further incarceration of the petitioner is not warranted.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Dilwar Ram** son of Sh. Gurbachan Ram is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

10. In addition, the petitioner (or anyone on her behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 28, 2023
Vinay

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