

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-42249-2023

Date of decision: 04.10.2023

Jai Bhagwan Mittal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amit Jhanji, Sr. Advocate with
Ms. Sehej Sandhawalia, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Aayush Gupta, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.07 dated 06.01.2022 under Sections 420/467/468/471/120-B/201 of the IPC registered at Police Station Moti Nagar, Ludhiana.

2. Learned senior counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand for having allegedly cheated the complainant to the tune of ₹32 lakhs by forging a General Power of Attorney (GPA) in connivance with his son, co-accused Deepak Mittal, who then entered into an agreement to sell dated 09.06.2021 with the complainant. Learned senior counsel has further submitted that the FIR in question was registered after a delay of 01 year and 08 months. It has still been further submitted that even otherwise the dispute in question on the

face of it is of a civil nature; no suit much less for specific performance of the agreement to sell in question has also been filed by the complainant. It has been also submitted that even as per the allegations levelled in the FIR money was allegedly transferred only in the account of co-accused Deepak Mittal's Trading Company and no amount whatsoever was ever handed over to the complainant. Learned senior counsel furthermore submits that since the investigation in the case is complete, further incarceration of the petitioner in the case in hand which is triable by Magistrate would not serve any useful purpose.

3. Per contra, learned State counsel assisted by learned counsel for the complainant while opposing the prayer made by the counsel opposite, submits that there are serious allegations against the petitioner of having cheated the complainant to the tune of lakhs of rupees by forging a GPA in connivance with his son. It has been further submitted that all the negotiations were carried out by the petitioner on behalf of his son i.e. co-accused Deepak Mittal, who had even stood a surety for him in one of the criminal cases.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has now been in custody since 20.07.2023 in a magisterial trial. Though the challan had been filed, however, charges have not yet been framed and still further as many as 13 prosecution witnesses have been cited. Hence, there is no likelihood of the trial concluding in the near future. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

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6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

04.10.2023 (MANJARI NEHRU KAUL)
Vinay JUDGE

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