

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-43355-2023

Date of decision: 06.09.2023

Anuj Bansal alias Sherry

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Abhinav Sood, Advocate,
Mr. Nitesh Jhahria, Advocate and
Mr. Jashan Mehta, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

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.77 dated 21.04.2023 under Sections 406, 420 and 419 of the IPC registered at Police Station Sadar Nabha.

2. Learned counsel for the petitioner submits that a highly improbable version had been brought forth by complainant Amardeep Singh that the petitioner after luring the complainant into a relationship with him had induced him to part with SIM Cards as well as ATM Cards of not only himself but even his father which were later on misused by the petitioner who withdrew almost ₹77 lakhs during his alleged courtship period of one and a half years with the complainant. Even otherwise, the offences for which the petitioner has been challaned are triable by Magistrate. A prayer has, therefore, been made that since the petitioner has clean antecedents as he is not involved in

any other case of similar nature and the challan already stands presented, he be extended the concession of bail as now he has been in custody since 14.05.2023 and as many as 20 prosecution witnesses have been cited by the prosecution.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite on instructions from ASI Prem Chand, has drawn the attention of this Court to the challan which has been annexed as Annexure P-2, submits that the petitioner had in fact given a false assurance to the complainant that he would arrange for his visit to Canada and it was on the said pretext, he lured the complainant to not only hand over his SIM Cards and ATM Card but also his father's ATM Cards which were later on used to withdraw various sums of money totaling ₹77 lakhs. Learned State counsel has on instructions submitted that the charges have not yet been framed and are likely to be framed on 28.09.2023. This Court has also been informed by the learned State counsel, on instructions, that an amount of ₹25 lakhs out of ₹77 lakhs allegedly withdrawn by the petitioner from the bank accounts of the complainant as well as his father stands recovered along with the mobile phone and three ATM Cards which had been given by the complainant to him.

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

5. The petitioner has been in custody since 14.05.2023 in a magisterial trial and there is no likelihood of the trial concluding in the near future as even charges have not yet been framed and as many as 20 prosecution witnesses have been cited. In the facts and circumstances as

enumerated hereinabove particularly the nature of allegations levelled against the petitioner, this Court deems it fit to extend the concession of bail to the petitioner.

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.

06.09.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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