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(222)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-43569-2023 (O & M)
Date of decision: 13.12.2023

Ankit Singh

..... Petitioner

V/s

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Dr. Anmol Rattan Singh Sidhu, Sr. Advocate,
with Ms. Tejaswini, Advocate, for the petitioner.

Ms.Simsi Dhir Malhotra, APP,
for U.T., Chandigarh.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in FIR No.024 dated 20.03.2023 under Section 420 IPC registered at Police Station Sector 49, District Chandigarh.

2. The present FIR came to be registered on the complaint of one Darshan Lal who stated that the petitioner-Ankit Singh had cheated him for an amount of Rs.23 lacs in lieu of sending his son-Himanshu to Canada.

3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. The allegations amounted to a dispute of a civil nature. Though, the petitioner was an

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concession of bail. As the petitioner was in custody since 23.03.2023 and none of the 16 witnesses had been examined so far, he was entitled to the grant of bail, moreso, as the case was triable by the Court of a Magistrate.

4. The learned counsel for the respondent-U.T., Chandigarh has filed a reply dated 06.12.2023. The same is taken on record. While referring to the said reply, she contends that the investigation conducted so far clearly established that a huge amount of money had been transferred at the instance of the petitioner to one Gurleen Kaur stated to be his wife. The statement of Gurleen Kaur had been recorded to the effect that the petitioner had opened the said account in her name without taking her signatures and she never used the said account. However, the said statement had been found to be incorrect. The petitioner had also issued a cheque from the said account. In fact, Gurleen Kaur was in connivance with the petitioner. Apart from the present case, the petitioner was involved in multiple other cases of various kinds. Therefore, in view of the nature of the allegations against the petitioner as also his criminal antecedents, he was not entitled to the concession of bail.

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-M24033-2021(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

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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 shall be adjudicated during the course of the Trial. Admittedly, the petitioner is in custody since 23.03.2023 and none of the 16 prosecution witnesses have been examined so far. Therefore, the Trial in the present case is not likely to be concluded anytime soon. Though there are various other cases pending against the petitioner, however, the present case is triable by the Court of a Magistrate and no serious apprehension has been expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. Therefore, in this situation, the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Ankit Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any crime other than the cases referred to in this order.

10. If any attempt whatsoever is made by the petitioner and/or his family members/friends to contact/threaten/intimidate any of the witnesses

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of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

11. In addition, the petitioner (or anybody on his behalf) shall prepare an FDR in the sum of Rs.5,00,000/- 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 Trial without sufficient cause.

December 13, 2023
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No