

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(219)

2023:PHHC:150275
CRM-M-43955-2023
Date of decision:- 24.11.2023

Jagdish Singh Mansa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Prince Goyal, Advocate and
Mr.Ravinder Singh, Advocate for the petitioner.
Mr.APS Tung, DAG, Punjab.
Mr.Kuldeep Singh , Advocate for the complainant.

SUVIR SEHGAL, J. (Oral)

1. This 1st petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Section
123	20.07.2023	City Fazilka, District Fazilka	384, 420, 406, 506 IPC

2. Case of the prosecution is that FIR, Annexure P1, has been registered on the complaint of Sher Singh alleging therein that Jagdish Singh Mansa, (President, Kisan Majdoor Sangharsh Committee, Fazilka), present petitioner, and Kulwant Singh have duped him of Rs. 6 lacs. It has been alleged that after complainant’s son Veer Singh expired, the accused helped the petitioner in getting the case FIR No.136 dated 05.07.2022 under Section 306/34 IPC registered against Harnek Singh and Labh Singh alias Labha at Police Station Sadar, Fazilka. The accused blackmailed the petitioner and on the pretext of getting the dispute settled, they took Rs.6 lacs from Harnek Singh on behalf of the complainant which they retained.

3. Learned counsel for the petitioner submits that the offences allegedly committed by the petitioner are triable by a Magistrate. He submits that the investigation is complete and the challan has been presented. The petitioner who is in custody since 20.07.2023, deserves to

be enlarged on bail. Still further, by reference to the affidavit (Annexure P-4) dated 21.09.2023, he submits that the dispute has been compromised.

4. State counsel on instructions from ASI-Mahinder Singh, submits that although the challan have been presented but the charges have not been framed. He submits that the petitioner has been named as an accused in this case and three other criminal cases were lodged against him for various offences under IPC.

5. Counsel for the complainant has however supported the prayer made in the petition and affirmed the factum of settlement as well execution of affidavit by the complainant and his spouse.

6. I have heard counsel for the parties and considered their respective submissions.

7. It cannot be disputed that the petitioner is an accused of the offences which are triable by a Magistrate and on conclusion of investigation, challan has been presented. There is no apprehension that the petitioner, if enlarged on bail, is likely to abscond, delay the trial or influence the witnesses. Furthermore, the dispute seems to have been amicably settled with the complainant.

8. In view of the above circumstances, this Court is prima facie of the view that the petitioner deserves to be released on bail.

9. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

10. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

24.11.2023
Sd

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned Yes/No
Whether Reportable Yes/No.