

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

232

CRM-M-44409-2023
Date of Decision: 12.09.2023

Mohan Lal
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Manoj R. Sharma, Advocate,
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

FIR No.	Dated	Section/s	Police Station
71	02.09.2019	420 IPC	Bhaini Mian Khan, District Gurdaspur

VIKAS SURI, J. (Oral)

- [1] The petitioner has filed the present petition under Section 439 Cr.P.C. for grant of regular bail in the above-captioned case.
- [2] As per the allegations in the FIR, petitioner along with co-accused Sadha Singh duped various persons of ₹94,00,000/- on the pretext of providing job to their children in Army, which promise was not kept and adhered to. The amount so received was not returned by them despite repeated requests and rather, petitioner fled away after selling his house.
- [3] Learned counsel for the petitioner contends that neither there is any receipt of giving money to him nor any money is shown to have been

transferred to the bank account of the petitioner. It is pointed out that the alleged money was paid by the complainant(s) in the year 2017, whereas the FIR has been registered after a delay of two years. He submits that the *challan* in this case has been presented and case is at the stage of prosecution evidence and therefore, trial is likely to take some time, thus, further custody of the petitioner is not justified.

[4] Learned State counsel has filed the custody certificate dated 11.09.2023 of the petitioner in Court today, which is taken on record. A copy thereof furnished to learned counsel for the petitioner. Learned State counsel has vehemently opposed the prayer on the ground that the petitioner has duped the complainant(s) of ₹94,00,000/- on the pretext of providing job to their wards in the Army. On being asked to refund the said amount has rather fled away after disposing of his property. Referring to the custody certificate, he has submitted that the petitioner is a habitual offender and is involved in other two similar FIRs. However, it is not disputed that upon completion of investigation, *challan* has been presented and trial is now pending for 26.09.2023 for evidence of prosecution. He, thus, prays that if enlarged on bail petitioner may influence witnesses and hamper trial, therefore, petition be dismissed.

[5] Heard rival contentions of learned counsel for the parties.

[6] Keeping in view the totality of the facts that the petitioner is in custody since 05.01.2023; offence punishable under Section 420 IPC being triable by the Magistrate; his co-accused Sadha Singh has been granted the concession of regular bail by this Court; and that conclusion of trial is likely to take long time, no useful purpose would be served by keeping him behind

bars for an indefinite period. As regards other FIRs alleged against the petitioner, he has already been granted bail in those cases.

[7] Accordingly, the instant bail petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail-bond and surety/sureties to the satisfaction of concerned trial Court/Duty Magistrate.

[8] However, anything observed hereinabove is only for the purpose of instant petition and the same shall have no effect on the merits of the case.

September 12, 2023

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(VIKAS SURI)
JUDGE

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