

238 IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-50573-2023 (O&M)

Date of Decision:14.12.2023

Gurmit Singh @ Guri

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present:- Mr. Kapil Khanna, Advocate for the petitioner.

Mr. G.S. Sidhu, Assistant A.G. Punjab.

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**JASGURPREET SINGH PURI J.(Oral)**

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in case bearing FIR No.43 dated 20.07.2023 under Section 420 of IPC, registered at Police Station Rurke Kalan, District Barnala.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for about 03 months and 03 days and after completion of investigation in the present case, report under Section 173 Cr.P.C. has been presented by the police. Learned counsel for the petitioner further submitted that as per the allegations other co-accused namely Manjit Kaur took an amount of Rs.5,00,000/- and the petitioner also participated in the aforesaid offence and the amount was taken for the purpose of recruitment of the son of the complainant. Learned counsel for the petitioner further submitted that there is no direct money transaction of any sort between the complainant and the petitioner and infact it was due to some other enmity, the present petitioner has been falsely

implicated in the present. He also submitted that the present is a case which is triable by the Magistrate and now the challan already stands presented and therefore the present petitioner may be considered for grant of regular bail in this petition.

3. On the other hand, Mr. G.S. Sidhu, Assistant Advocate General, Punjab, has stated that it is correct that investigation has been completed and the challan already stands presented and the petitioner has faced incarceration for about 03 months and 03 days. However, learned State counsel submitted that the petitioner is involved in two more cases of similar nature.

4. I have heard the learned counsel for the parties.

6. It is a case where the petitioner is stated to be in custody for about 03 months and 03 days and the present is the case which is triable by Magistrate and the investigation in the case has been completed and challan already stands presented before the competent Court. This Court is of the view that even otherwise also the allegation is for getting recruited the son of the complainant in police and for that purpose the complainant paid money and therefore action on the part of the complainant is also unlawful. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

8.                However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)  
JUDGE

14.12.2023  
*shweta*

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