

(104+230) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-4900-2023 in/and
CRM-M-55028-2022
Date of Decision: 07.02.2023

ISHWAR SINGH

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Neeraj Poswal, Asst. A.G., Haryana.

JASJIT SINGH BEDI, J.

CRM-4900-2023

The learned counsel for the applicant-petitioner seeks permission
of this Court to withdraw the present application.

The present application is ordered to be dismissed as withdrawn.

CRM-M-55028-2022

The prayer in the present petition under Section 439 Cr.P.C. is for
the grant of regular bail in case bearing FIR No.355 dated 16.09.2022
registered under Sections 406, 420, 506, 120-B IPC and Section 24 of
Immigration Act, 1983 at Police Station Nissing, District Karnal.

2. The brief facts of the case are that the complainant-Davender
Singh stated that Kumar Barun @ Barun Kumar, Rishi and Ishwar Kaul had
committed fraud upon him. His (complainant's) daughter Amandeep Kaur is a
resident of London. He (complainant) had to send his daughter from London

to Keniko and after speaking to accused Nos.2 and 3 got deposited a sum of Rs.2,50,000/- on 14.07.2022 in the account of accused No.1-Kumar Barun @ Barun Kumar. The ticket was to be booked for 19.07.2022. On the said date, his daughter was left standing the whole night at Gatwick Airport but no ticket was provided by the accused. On being asked, the accused stated that they would book the ticket for 20.07.2022. Once again, his (complainant's) daughter was left stranded at the Airport. On 21.07.2022, when he demanded his money back from the accused, they adopted an evasive attitude and thereafter, started threatening him (complainant) and refused to give the money. Legal action was sought.

Based on the said allegations, the present FIR came to be registered.

3. The learned counsel for the petitioner contends that the petitioner has been in custody since 03.11.2022. The investigation stands completed and none of the 10 prosecution witnesses have been examined so far. Kumar Barun @ Barun Kumar has been granted the concession of bail in terms of a compromise effected between the parties as is borne out from the order dated 03.11.2022 (Annexure P-2). Similarly, Rishi Mittal, a co-accused of the petitioner has also been granted the concession of bail vide order dated 21.12.2022. The copy of the said order is marked as 'X'. Therefore, the petitioner be also granted the concession of bail.

4. On the other hand, the learned State counsel contends that a serious offence has been committed and the petitioner does not deserve any sympathy by way of grant of bail. He, however, does not deny the fact that the petitioner has been in custody since 03.11.2022, none of the 10

prosecution witnesses have been examined so far and that he is a first-time offender.

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

6. Admittedly, the petitioner is custody since 03.11.2022 and is a first-time offender. His co-accused have been granted the concession of bail. The investigation stands concluded and none of the 10 prosecution witnesses have been examined so far. Therefore, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Ishwar Singh son of Shri Mansha Ram is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

07.02.2023

JITESH

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