

CRM-M-55872-2022 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-55872-2022 (O & M)

Date of decision: 22.02.2023

Ravinder Singh @ Ravinder Singh Jaura @ Ravi

..... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Lupil Gupta, Advocate, for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

Mr. S.K. Bakolia, Advocate,
for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in FIR No.230 dated 20.10.2022 under Sections 406 IPC registered at Police Station City Moga.

2. The brief facts of the case are that Navroop Kaur, wife of Sukhdeep Singh got her statement recorded to the effect that the petitioner was a tenant in her house. In the year, 2020, she was in need of money and requested the petitioner that she was ready to deposit her gold jewellery by way of security in exchange for cash. In furtherance of the same, 23 Tolas of gold jewellery was handed over to the petitioner in the presence of other persons. A sum of Rs.5,30,000/- was given to her by the petitioner. As per the promise of the petitioner, she (complainant) returned an amount of Rs.5,75,000/- including the interest in the presence of the witnesses. The

days. However, the same was not done. She (complainant) alongwith her family members approached the petitioner and the other co-accused wherein the accused threatened to kidnap her (complainant's) children. Legal action was sought on the grounds that gold ornaments worth Rs.12 lacs had been embezzled by the accused.

3. The learned counsel for the petitioner contends that taking the allegations to be true, the dispute is civil in nature. There is absolutely no evidence of the jewellery being handed over to the petitioner. Since the petitioner was in custody since 21.10.2022 and none of the 18 prosecution witnesses had been examined so far, the petitioner was entitled to the grant of bail, moreso, when he was a first-time offender.

4. The learned counsel for the State, on the other hand, contends that the complainant has been cheated by the petitioner. The nature of the allegations did not entitle him to the grant of bail. He, however, does not dispute the fact that the petitioner is a first-time offender, is in custody since 21.10.2022 and none of the prosecution witness had been examined so far.

5. The learned counsel for the complainant has vehemently opposed the bail application contending that a lady has been cheated in the instant case at the instance of the petitioner. Therefore, the nature of the allegations did not entitle him to the grant of bail.

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

7. The veracity of the allegations against the petitioner shall be established during the course of the Trial. Admittedly, the case is triable by the Court of a Magistrate. This Court in the case of **“Maninder Sharma versus State Tax Officer, State Tax, Mobile Wing, Jalandhar, Punjab,**

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 report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule". Nothing specific has been pointed out by the prosecution that the petitioner would abscond from justice or tamper with the evidence if he was granted the concession of bail.

8. In the instant case, the petitioner is in custody since 21.10.2022. None of the 18 prosecution witness have been examined so far and he is a first-time offender. Therefore, the trial of the present case is not likely to be concluded anytime soon. As such, the further incarceration of the petitioner is not required.

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

10. In addition, the petitioner (or through someone else on his behalf) shall prepare an FDR in the sum of Rs.50,000/- 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.

February 22, 2022
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No