

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

**CRM-M-57408-2022**

**Date of Decision:-28.03.2023**

**Ganesh Ingole.**

.....Petitioner.

Vs.

**State of Punjab.**

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Naveen Batra, Advocate for the Petitioner.

Ms. Ramta Chowdhary, Deputy Advocate General, Punjab.

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**JASJIT SINGH BEDI, J.(ORAL)**

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.119 dated 08.08.2019 under Sections 420, 465, 467, 468, 471, 120-B IPC registered at Police Station City Nawanshahar, District Nawanshahar.

2. The allegations against the accused including the petitioner are that they cheated the complainant party for a sum of Rs.100,335,000/- (Rs. Ten Crore three lac thirty five thousand) on the pretext of selling radio active substances.

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact he is in custody since 7.2.2020 and out of 26 prosecution witnesses, 17 remain to be examined. Since the co-accused Amit Gupta had been granted the concession of bail by this Court vide order dated 27.10.2022 in CRM-M-8671-2022, the petitioner was entitled to the similar relief.

4. The Counsel for the State on the other hand contends that the complainant party has been cheated of a huge amount of Rs.100,0335,000/-. The nature of the allegations did not entitle him to the grant of bail. The petitioner is otherwise a habitual offender with as many as 05 other cases registered against him. Therefore the criminal antecedents of the petitioner did not entitle him to the grant of bail. He however, admits that the co-accused Amit Gupta has been granted the concession of bail as also the fact that 17 prosecution witnesses are yet to be examined.

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

6. The allegations against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. The petitioner is in custody since 07.02.2020. As many as 17 prosecution witnesses remain to be examined. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Even otherwise, the case is triable by the court of a Magistrate. This Court in the case *titled as Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab* bearing CRM-M-24033-2021(O&M) Decided on 31.08.2022 has held that in cases triable by a Magistrate unless there are serious allegations of accused absconding from trial, or tampering with the evidence, bail should be declined only in exceptional circumstances. Nothing particular has been pointed out that the petitioner would abscond from justice or tamper with the evidence if he was granted the concession of bail. Therefore, the further incarceration of the petitioner is not required, moreso when in the other cases against the petitioner, he has been granted bail.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Ganesh Ingole** son of Sh. Keshav Rao 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 petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned hereinabove.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- 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 the trial without sufficient cause.

10. The petition stands disposed of.

( JASJIT SINGH BEDI )  
JUDGE

March 28, 2023

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