

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-58305-2022 (O&M)
Date of Decision:- 29.8.2023

Gurbhej Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dinesh Nagar, Advocate, for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
134	16.09.2008	City, Nawanshahr	406, 420, 465, 468 IPC

GURVINDER SINGH GILL, J. (Oral)

CRM-36164-2023

In view of the reasons mentioned in the application, the same is allowed as prayed for and copy of statement of PWs are taken on record as Annexures P-7 to P-17, subject to all exceptions.

Main case

1. The petitioner seeks grant of regular bail in a case arising out of above mentioned FIR.
2. The FIR was lodged at the instance of Kulwinder Singh wherein it has been alleged that he along with his friends had met Prince Pal

Singh (co-accused) on 16.7.2008 who had represented that he could send them abroad and had collected their Passports and an amount of Rs.10,000/- from each of them while the balance was to be collected later.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and has been nominated as an accused on the basis of disclosure statement made by co-accused Prince Pal Singh and Hardeep. Learned counsel has further submitted that in any case, complainant Kulwinder Singh as well as some other PWs who were alleged to have been defrauded by the accused had been examined during the proceedings of trial and that they have absolutely resiled from their previous statements. Learned counsel in this regard has drawn the attention of this Court to some of the statements annexed as Annexures P-7 to P-17 i.e. statement of PW-1 Kulwinder Singh (complainant), PW-2 Jassa, PW-3 Boota Mohammad, PW-4 Jaswant Singh, PW-5 Vicky, PW-6 Jagjeet Singh, PW-7 Dharampal, PW-8 Rakesh Kumar, PW-9 Gurdev Singh, PW-10 Kulwinder Singh and PW-11 Makhan who have not uttered anything against the petitioner.
4. Opposing the petition, learned State counsel has submitted that since a large number of PWs still remain to be examined, and that the remaining witnesses are likely to depose against the petitioner, no case for grant of bail is made out. Learned State counsel has however, informed that the petitioner is not involved in any other case and has been behind bars since the last more than one year.
5. This Court has considered the rival submissions.

6. Having regard to the fact that the complainant as well as several other witnesses have resiled and have not supported the case of the prosecution and the petitioner otherwise has been behind bars since the last more than one year, further detention of the petitioner is not justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.08.2023

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(GURVINDER SINGH GILL)

JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No