

Neutral Citation No.2023:PHHC:164935

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-56549 of 2023 (O&M)

Date of decision : 21.12.2023

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Kamalpreet Singh @ Babbu

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. B.D. Sharma, Advocate for the petitioner.

Mr. Digvijay Nagpal, Assistant Advocate General,
Punjab, for the respondent/State

Ms. Malika Sobti, Advocate for
Mr. Rakesh Sobti, Advocate for the complainant

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MANJARI NEHRU KAUL, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C., seeking grant of regular bail in case FIR No.67 dated 8.4.2023 under Sections 419, 420, 467, 468, 471, 120-B of the Indian Penal Code, registered at Police Station Civil Lines, District Amritsar.

2. Learned counsel for the petitioner submits that the petitioner has clean antecedents and has been now in custody for more than 6 months, having been arrested on 17.6.2023, in a Magisterial trial. He submits that though a false case has been planted upon him, however, even otherwise, as per allegations levelled in the

FIR, his role was of an impersonator of one Sanjeev Sharma, owner of the SCO in question. It has been further submitted that the investigation in the case in hand is complete, however, there is no likelihood of the trial concluding in near future, as even charges have not yet been framed coupled with the fact that as many as, 27 prosecution witnesses have been cited by the prosecution.

3. Per contra, learned State counsel, assisted by counsel for the complainant, has vehemently, opposed the prayer and submissions made by the counsel opposite. It has been submitted that the complainant had been duped by the accused persons; an amount of Rs.1.45 crores in cash was paid by the complainant to co-accused Gajinderjit Singh - Property Dealer and another amount of Rs. 1 crore was deposited in the account of co-accused Mohit Mehta; besides this, an amount of Rs. 5 lacs had been assured to the petitioner for standing as an impersonator of Sanjeev Sharma. Learned counsel for the complainant has further submitted that co-accused Mohit Mehta was the Power of Attorney holder of the petitioner and hence he was an active participant in the crime in question.

4. On a pointed query put to the learned State counsel, he has informed the Court, on instructions and has not disputed the submissions made by counsel for the petitioner that bank account of Mohit Mehta stands frozen after registration of the FIR in question. On a further query put to the learned State counsel, as to whether the petitioner is involved in any other criminal case, he on instructions, has replied that the petitioner is facing trial in FIR No. 248 of 2012, under Sections 323, 452, 341, 34 IPC, registered at Police Station

Basti Bawa Khel, Jalandhar.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The petitioner has been in custody since 13.6.2023, in a Magisterial trial; the case in hand is based on documentary evidence; the investigation in the case in hand stands completed and charges have not yet been framed. Hence, there is no likelihood of the trial concluding in the near future.

7. In the facts and circumstances, as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

21.12.2023
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Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No