

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59265 of 2022
Date of Decision:- 13.04.2023

Gurcharan Singh

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Nitin Meel, Advocate for the petitioner.

Mr. Hakam Singh, AAG Punjab.

KARAMJIT SINGH, J.

Prayer is for grant for regular bail to the petitioner in case having FIR No.53 dated 16.07.2022, registered under Sections 406, 420 IPC, Police Station Sudhar, District Ludhiana Rural, Punjab.

The allegations in nutshell are that petitioner lured complainant Buta Singh and took Rs.3,73,000/- from him on the pretext of providing him job in Indian Army and thereafter, the petitioner failed to do so and also refused to return the aforesaid amount. During investigation the petitioner was arrested on 6.9.2022.

The counsel for the petitioner submits that petitioner has been falsely implicated in the present case and is incarcerated since 6.9.2022 and after completion of investigation challan has been

presented and it will take time for the trial to terminate. So prayer is made that petitioner be released on regular bail.

Status report by way of affidavit of Jasbinder Singh, DSP Dhaka District Ludhiana (Rural) filed on behalf of the State is ordered to be taken on record.

The present petition is resisted by the State counsel who submits that petitioner took amount of Rs.3,73,000/- on pretext of providing job to the complainant but failed to do the needful and also did not return the aforesaid amount. However, the State counsel on instructions from SI Piara Singh admitted that petitioner is in custody since 06.09.2022 and challan has been presented but trial will commence after framing of charges. The State counsel further apprised the Court that the petitioner is also involved in some other criminal cases of similar nature.

I have considered the submissions made by counsel for the parties.

Admittedly, all the offences are triable by the Court of Judicial Magistrate 1st Class, and during investigation the petitioner was arrested and is in custody since 06.09.2022. After completion of investigation, the police has presented the challan but the charges are yet to be framed and even thereafter, it will take considerable time for the trial to terminate. As has been submitted by the counsel for the petitioner, in all the other criminal cases petitioner has been enlarged

on bail. This Court is of the view that no purpose is going to be served by detaining the petitioner in custody for any longer period.

Thus, without commenting on the merits of the case the present petition is hereby accepted and the petitioner is ordered to be released on bail subject to furnishing bail and surety bonds to the satisfaction of the Trial Court/CJM/Duty Magistrate concerned.

Disposed of accordingly, so also the pending miscellaneous application(s), if any.

(KARAMJIT SINGH)
JUDGE

13.04.2023

P. Chawla

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No