

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

205

CRM-M-57033-2023

Date of Decision :-20.11.2023

Deepak Kumar @ Hatish Kumar**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Dhanvinder Singh Nigha, Advocate for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab
assisted by HC Jaspal Singh, P.S. Jodhan
, District Ludhiana (Rural).

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Harsimran Singh Sethi, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.83 dated 23.10.2021 registered under Sections 420, 406, 467, 468, 201, 171, 120-B of the IPC at Police Station Jodhan, District Ludhiana.

2. Learned counsel for the petitioner submits that in the present case, a complaint was received against the co-accused namely, Sarwan Singh qua the allegations that he had taken money from the complainant on the pretext of providing the willing job in Army and during the investigation of the said complaint, it was found that petitioner was also involved but in the FIR, it was noticed that no money was paid to the petitioner by the complainant. Learned counsel for the petitioner further submits that the petitioner is behind the bars for the last 01 year, 02 months and 29 days and

as the trial is not likely to be concluded in near future, the petitioner may kindly be extended concession of regular bail.

3. Learned State counsel though, concedes the factum that the allegations qua the payment of money for recruitment in Army was against the co-accused Sarwan Singh and it was the said Sarwan Singh, who had told the petitioner that in case anyone is interested in getting recruitment in Army, he/she can contact him but submits that role of the petitioner in sending the complainant to the co-accused Sarwan Singh cannot be ruled out. Learned State counsel further concedes that there is no other case pending against the petitioner and the petitioner is behind the bars for the last more than one year and out of the total 34 cited witnesses, only 03 witnesses have been examined so far.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Keeping in view the facts and circumstances of the present case especially that there is no allegation of receiving any money from the complainant by the petitioner as the said allegations are only against the co-accused Sarwan Singh coupled with the fact that there is no other case pending against the petitioner and he is behind the bars for the last one year and 02 months and as of now out of the total 34 cited witnesses, only 03 witnesses have been examined so far, no useful purpose will be served by keeping in the petitioner behind the bars during the entire period of trial hence, the petitioner has made out a case for the grant of benefit of regular bail especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner.

6. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

7. Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

8. However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 20, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No