

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

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CRM-M-59886-2023 (O&M)

Date of Decision: 04.12.2023

Vikas Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE N.S.SHEKHAWAT**Present:** Mr. Ramnish Puri, Advocate for the petitioner.

Mr. M.S.Bajwa, DAG, Punjab.

Mr. L.S.Mann, Advocate for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 208 dated 27.07.2023, registered under Sections 420 and 406 IPC, 1860 and Section 13 of Punjab Travels Professional Act at Police Station City Kapurthala, District Kapurthala.

2. As per the allegations levelled by the complainant, the petitioner had taken a sum of Rs. 8.20 lacs from the complainant on the pretext of sending her son namely Satpal to Europe on study Visa, however the petitioner did not keep his words and refused to return the amount to the complainant.

3. Learned counsel for the petitioner contends that in fact the petitioner has been falsely involved in the present case and no money

transactions had taken place between the complainant and the present

petitioner. Even no money was transferred by the complainant in the account of the petitioner. He further contends that the parties were not known to each other and the petitioner has been falsely involved. Moreover, the petitioner was arrested in the present case on 12.09.2023 and the challan has already been presented in the present case. The charge against the accused is yet to be framed and further custody of the petitioner will not serve any useful purpose. He further contends that just to show his bona fide, the petitioner will deposit a sum of Rs. 5 lacs with the trial Court/Area Magistrate within a period of one month from today, without prejudice to his right to raise his defence during the course of trial.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by the petitioner on the ground that the petitioner is the principal accused in the present case. Apart from that, the petitioner is also involved in two more similar criminal cases and he is likely to repeat the crime and the petitioner does not deserve the concession of bail.

5. I have heard the learned counsel for the parties and with their able assistance, I have gone through the Court record carefully.

6. The petitioner is in custody since 12.09.2023 i.e for the last about 3 months. After completion of investigation, the challan has already been presented before the Competent Court. All the offences in the present case are triable by the court of Magistrate and further custody of the petitioner will serve no meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the

the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st Monday of English

calender month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

9. The petitioner shall deposit an amount of Rs. 5 lacs with the Area Magistrate/trial Court within a period of one month from today, which shall be deposited by the concerned Court in the fixed deposit in some nationalized bank, fetching maximum rate of interest, subject to outcome of the trial before the trial Court.

(N.S.SHEKHAWAT)
JUDGE

04.12.2023
Rajeev (rvs)

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No