

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CRM-M-1991-2024 (O&M)
Date of decision: 07.02.2024

Nirdosh RathiPetitioner
Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rajesh Ranjan, Advocate,
Mr. Sohaib Alam, Advocate,
Mr. Anuj Sharma, Advocate,
Mr. Ravi Baghel, Advocate and
Mr. Kartik Tyagi, Advocate for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-2497-2024

For the reasons mentioned in the application, the same is allowed and copy of charge sheet dated 23.12.2016 is taken on record as Annexure P-8 subject to all just exceptions.

CRM-M-1991-2024

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.207 dated 23.12.2016 under Sections 420, 424 of the IPC registered at Police Station Amritsar, B-Division.

2. Learned counsel for the petitioner inter alia contends that a false and fabricated case has been planted upon the petitioner for having cheated the complainant of an amount of ₹5,39,506/-. It has been submitted that the essential ingredients to attract the mischief of cheating is not even made out in the instant case which is clearly

discernible from a perusal of the allegations levelled in the FIR which has been annexed as Annexure P-1. Learned counsel has further submitted that since the investigation in the case in hand is complete as challan also stands presented, further incarceration of the petitioner in the circumstances, would serve no useful purpose moreso since he has clean antecedents.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed that the investigation in the case in hand is complete and the case of the prosecution rests on documentary evidence. It has been further submitted that the next date fixed before the Trial Court is 13.02.2024 when charges are likely to be framed.

4. On a pointed query put to the learned State counsel, he, on instructions, has not disputed that the petitioner has clean antecedents and is not involved in any other criminal case.

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

6. The petitioner has been in custody in a magisterial trial for the past almost 04 months having been arrested on 19.10.2023. Challan stands presented, however, the trial would take considerable time to conclude as 13 witnesses have been cited by the prosecution; the petitioner is not stated to be involved in any other criminal case. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds 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.

07.02.2024
Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No