

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-5339-2024
Date of Decision:07.02.2024

Sahil Arora @ Kaka ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present: Mr. Pravindra Singh Chauhan, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Deepak Achint, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 180 dated 01.09.2023, registered under Sections 420,34,120-B of IPC (Sections 465,467,468,471 of IPC added later on) Police Station Chheharta, District Amritsar, Punjab.
2. Learned counsel for the petitioner contends that the petitioner had never acted as a travel agent and even from the allegations made in the FIR, no offence under Sections 465,467,468,471 of IPC was made out against the present petitioner. He further contends that the petitioner himself is a victim at the hands of Shivani and Robin, who are acting as travel agents. He further contends that the petitioner was arrested in the present case on 03.09.2023 and the challan has already been presented against him before the competent Court. He further contends that the charge is yet to be framed against the present

petitioner and his further incarceration will not serve any meaningful purpose.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner and his co-accused had cheated the complainant to the tune of Rs.66.60 lacs. He further contends that the different amounts were paid by the complainant to the accused in the present case and the present petition deserves to be dismissed by this Court.

4. I have given my anxious consideration to the rival submissions made by learned counsel for both the parties and I am of the considered opinion that the present petition is liable to be allowed by this Court.

5. The petitioner was arrested in the present case on 03.09.2023 and is in custody for the last more than 05 months. The offences, for which the present petitioner is facing the prosecution, are triable by the Court of Magistrate and the final report under Section 173 Cr.P.C has already been presented before the competent Court. Apart from that, the trial is yet to be formally commenced against the present petitioner and further custody of the petitioner will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

07.02.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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