

CRM-M-8917-2024

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2024.PHHC.106564



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

CRM-M-8917-2024

Date of Decision:-20.08.2024

Kamal Rashpal Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sahil Soi, Advocate for the Petitioner.

Mr. Sukhsandesh Singh, Assistant Advocate General,
Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.316 dated 21.11.2019 under Sections 420 IPC registered at Police Station City Faridkot, District Faridkot.

2. The present FIR came to be registered on the statement of Jaswinder Kaur wife of Jagdeep Singh on the basis of application moved to the SSP, Faridkot and reads as under:-

“ One Complaint No. 568-PC-8/19 dated 10-4-19 from Jaswinder Kaur wife of Jagdeep Singh resident of Kamiana Gate Dr. Ambedkar Nagar Gali No. 3 Faridkot M. No. 84370-32086 against Kamal Rashpal Singh son of Jaswant Singh resident of Near Bassi Palace Green Avenue Colony Dharamkot was received with the orders of SSP Faridkot for registration of F.I.R which is reproduced as, "To the Hon'ble SSP Faridkot Sub: Complaint for registration of case against 1. Kamal Rashpal Singh alias Jajja son of Jaswant Singh M. No. 70877-86441 and 98782-35848 2. Jaswant Singh 3. Lucky son of Jaswant Singh 4. Priya wife of Lucky 5. Bhagwan Singh son of not known M. No.



70090-00858 and 96538-26700 residents of Green Avenue Dharamkot District Moga. Sir, The complaint is as under: 1. That the complainant is resident of Dr. Ambedkar Nagar, Gali No. 3, Kamiana Gate Faridkot and is working in Judicial Courts Moga. That the daughter of complainant Avneet Kaur was willing to go abroad. 2. That the Massi of accused No. 4 lives in neighborhood of complainant and the accused No. 4 used to come to Faridkot due to which we were known to each other. Then Bhagwan Singh told that accused No. 1 who does good work and he has links in abroad and also does the work of sending children abroad who made the complainant meet with accused No. 1 to 3 upon which accused No. 1 told that he has links in South Korea and visa comes early and work is available easily. Accused No. 1 told that his father is settled in Italy and told that I can send you to South Korea on P.R and there will be no fraud upon which the complainant was taken into talks of aforesaid and agreed to go to South Korea through aforesaid upon which the aforesaid told that in this a total of Rs. 8,00,000/- will be incurred and said that you may give Rs. 2,00,000/- In advance and when you get the visa then we will get Rs. 6,00,000/-. 3. That the complainant withdrew Rs. 2,00,000/- from her F.D and after arranging the money told him upon which accused No. 1 told that first you send Rs. 20,000/- for file and rest of the money we will take from Faridkot upon which on 6-10- 2018 the money was deposited in the account of accused No. 1. That in October 2018 the aforesaid accused No. 1 to 4 came to our house and complainant gave Rs. 1,00,000/- cash to accused No. 1 in the presence of Bhupinder Singh who was at our house who further handed over the same to accused No. 2 his father who again counted the same and handed over to accused No. 3 who further handed over the same to accused No. 4 who kept the same with him and took the original passport and other documents of complainant and told that you arrange more money and we will get visa at the earliest. 4. That as per saying of aforesaid on 2-11-2018 the complainant deposited Rs. 50,000/- in their account and thereafter after sometime in November, 2018 the accused No. 1 to 3 came to our house and after showing the photo of visa in their mobile started saying that visa has been issued and you pay the balance amount and after that on 1-1-2019 Rs. 50,000/- was deposited in the account and as per their demand whole of the amount was paid and we talked on whatsapp regarding visa but they put off the matter on one pretext or the other. 5. That after that they switched off their mobile phone upon which the complainant went to their house and their house was locked and upon enquiry it transpired that they have gone somewhere else upon which when the complainant alongwith respectables went to talk to accused



then he said that he has taken his commission and she may do whatever she want. 6. That thus the aforesaid persons in connivance with each other on the pretext of sending daughter of complainant abroad have cheated the complainant for Rs. 2,20,000/- and have also kept the original passport of daughter of complainant in their custody. It is pertinent to mention here that it has come to knowledge that aforesaid persons in this way defraud people by taking them into talks and he has also cheated other persons. It is pertinent to mention here that the accused Bhagwan Singh is taking care of their house in their absence and also comes to their house and he knows everything about accused No. 1 to 4. Therefore this complaint is presented and it is requested that appropriate action may be taken against aforesaid and I may be imparted justice and my original passport may be got recovered from them. I shall be thankful. Complaint: Sd/- Jaswinder Kaur wife of S. Jagdeep Singh."

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The falsity of the allegations can be seen from the fact that the other accused named in the complaint have been exonerated. The instant FIR pertains to the year 2019 and the petitioner had associated himself during the course of inquiry but suddenly was arrested in the year 2023. During the pendency of this petition the petitioner had been granted the concession of interim bail vide order dated 08.04.2024. As the said concession had not been misused, only 02 of the 15 Pws had been examined and the case was triable by the court of a Magistrate he was entitled to the concession of regular bail.

5. The learned State counsel while referring to the status report dated 5.8.2024 contends that the allegations as levelled were serious and therefore, the petitioner was not entitled to the concession of bail. He however, concedes that the petitioner was in custody since 11.12.2023, was granted the concession of interim bail vide order dated 8.4.2023, which concession had not been misused till date, only 02 of the 15 Pws had been



examined so far and that the case was triable by the court of a Magistrate.

6. I have heard the learned counsel for the parties.

7. This Court in the case *titled as Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab* bearing CRM-M-24033-2021(O&M) Decided on 31.08.2022 has held as under:-

“ Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts), in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant. ”

8. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, he was in custody since 11.12.2023 after which he was granted the concession of interim bail vide order dated 08.04.2024. The said concession has not been misused by him. Further only 02 of the 15 Pws have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Nothing significant has been pointed out by the State that the petitioner would abscond from the Trial, tamper with the evidence or influence the witnesses, if he is granted the concession of regular bail. Therefore, his further incarceration is not required.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Kamal Rashpal Singh son of Sh. Jaswant Singh is ordered to be released on regular bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.



10. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited in accordance with law in case of the absence of the petitioners from the Trial without sufficient cause.
11. The petition stands disposed of.

(JASJIT SINGH BEDI)

JUDGE

August 20, 2024

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>