

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-11003-2024
Date of Decision: 6.3.2024

Jakir Khan

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sanjeev, Advocate
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.105 dated 12.7.2022 registered for the offences punishable under Sections 420, 120-B IPC at Police Station Gidderbaha, District Sri Muktsar Sahib.

2. The allegations in nutshell are that the petitioner and one Sanjiv Kumar Manji committed online fraud worth ₹ 3 lakh against the complainant. During investigation, the petitioner was arrested in the present case.

3. Counsel for the petitioner submits that the petitioner was falsely implicated in the present case and is in custody for the last more than 10 months and is having no criminal history and that it will take considerable time for the trial to conclude and all the offences are triable by

the Court of Judicial Magistrate, 1st Class. So, prayer is made that the

petitioner be released on regular bail.

4. Present petition is resisted by the State counsel who on instructions from ASI Amrit Pal submits that the petitioner and one another accused defrauded the complainant of ₹ 3 lakh. However, State counsel has not disputed the fact that the petitioner is in custody for the last more than 10 months and is not involved in any other criminal case and that the complainant is already examined during trial but still 6 more witnesses remains to be examined on behalf of the prosecution.

5. I have considered the submissions made by the counsel for the parties.

6. All the offences involved in the present case are triable by the Court of Judicial Magistrate, 1st Class. The petitioner who was arrested during investigation, is in custody for the last more than 10 months and is having no criminal antecedents. During trial, the complainant stands examined. So, there is no apprehension that if released on bail, the petitioner is going to influence the complainant. It will take time for the trial to conclude. In the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period.

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

(KARAMJIT SINGH)
JUDGE

March 6, 2024
Paritosh Kumar