

235

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15421-2024

Date of Decision: 04.04.2024

Deepak Masih alias Gori

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. L.M.Gulati, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.119 dated 20.04.2023 registered under Sections 420 of IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, at Police Station Sadar Amritsar, District Amritsar City.
2. The FIR in the present case was registered on the basis of the statement made by Karan Kumar and the same has been reproduced below:-

"Applications UID No.2365948 dated 10.06.2022, 2378146 dated 22.06.2022. To, Police Commissioner, Amritsar. Subject:- Application against Deepak Masih @ Gori and Barkha, wife his No.6/7, Nirankari Colony, resident of H. F.G.C. Road, Amritsar in connivance with Sunny for running the business of sending people Abroad illegally permission/ license without obtaining and regarding committing fraud of total Rs.5 lacs for sending me Singapore on work permit and for obtaining blank cheque

no.081385 as a security, which also bears my signature. Sir, it is submitted that I Karan Kumar son of Raj Kumar, is the resident of Majitha Road Kirpal Colony Tung Wali Puli, Amritsar. I have become familiar with above stated Deepak and his wife Barkha from last 8-10 years and due to this acquaintanceship I trusted on above stated all three persons and they have committed fraud of Rs.5 lacs with me on the pretext of sending me Singapore on the basis of work permit and obtained one blank cheque from me, which bears my signature. Earlier they have taken Rs.50,000/- in cash from me at the time of taking my passport, Rs.50,000/- were incurred for preparing the file. Rs.1,00,000/- was spent on conducting medical and have taken Rs.3,00,000/- [Rs. Three lacs) from me at the time of handing over the file of work permit to me and I have the video of the same and said to me that I am going to take ticket for you and after saying this thing, has remained absent for sometimes. Thereafter, till today they are dilly dallying, I have the chatting with regard to the same and I visit many a times in their house and their family members abused and threatened me. Now, above all are saying that do whatever you want, you cannot cause any harm to us. We have high level approach. It is requested that strict legal action be taken against above said three persons for committing fraud of Rs.5,00,000/- with me and for obtaining blank cheque from me, which bears my signatures and my amount of Rs.5,00,000/- be returned back to me, because I have also given the above stated amount of Rs.5 lacs by borrowing the same from some people. I will be highly thankful to you. With thanks applicant. Sd/ Karan Kumar son of Raj Kumar, resident of Majitha Road, Kirpal Colony, Tung Wali Puli, Amritsar.”

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and the petitioner had not received any amount from the complainant. Even, it has been shown that all the money transactions had taken place in cash and there is no documentary evidence to

that effect. He further contends that the petitioner was arrested in the present case on 29.09.2023 and is in custody for the last 06 months. Learned counsel further contends that the final report under Section 173 Cr.P.C. has already been presented against him and the petitioner is the first offender.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner and submits that the petitioner does not deserve the concession of bail by this Court.

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

6. The petitioner is in custody for the last 6 months and was never involved in any other criminal activity. Apart from that, the prosecution has been able to examine only four witnesses, out of total 14 prosecution witnesses, so far and the conclusion of the trial may take quite a long time.

7. 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.

04.04.2024.
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(N.S.SHEKHAWAT)
JUDGE

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