



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.16220 of 2024 (O&M)
Date of Decision: 16.07.2024

Balwinder Singh
..... Petitioner
Versus
State of Punjab
..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. ADS Jattana, Advocate for the petitioner.
Ms. Amrita Garg, AAG, Punjab for the respondent.
Mr. H.S.Sidhu, Advocate for
Mr. H.S.Maan, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.0113 dated 02.08.2023, under Section 420 of the Indian Penal Code, 1860, registered at Police Station Sardulgarh, District Mansa.

(2) Above FIR was registered on the basis of statement made by complainant-Gurpaiyas Singh with the allegations that petitioner-Balwinder Singh (his relative), along with other co-accused, namely, Gurmeet Singh & Surjeet Singh, came at his shop, where Rajesh Kumar & Satpal Ram were also present there. Petitioner told the complainant that they are sending people to different countries and will send him to USA on payment of Rs.70 Lakh.



Complainant got transferred Rs.38,61,000/- in the bank account of co-accused Gurmeet Singh and also paid Rs.21.5 Lakh in cash to the accused persons on different dates in the presence of Rajesh Kumar & Satpal Ram. Neither the accused sent the complainant abroad; nor returned his amount.

(3) Contends that petitioner is in custody since 11.11.2023; he has been falsely implicated in the present case. Also contends that there is no other criminal case pending against the petitioner.

(4) *Per contra*, learned State Counsel on instructions opposed the prayer while submitting that an amount of Rs.38 Lakh was deposited in the account of co-accused Gurmeet Singh, who subsequently transferred the same to the present petitioner for sending the complainant abroad.

(5) Learned Counsel for the complainant has also opposed the prayer of petitioner.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) Concededly, petitioner is in custody since 11.11.2023; there is no other criminal case pending against him and investigation is already over, but charges are yet to be considered. Thus, trial will take sufficient long time.

(8) Although, learned State Counsel as well as complainant opposed the prayer of petitioner; but the objection is not tenable on the premise that these are not the recovery proceedings.

Moreover, the allegations of receiving money for sending complainant abroad, *prima facie* is not a legal transaction and same would be



the moot question to be decided by learned Trial Court after leading evidence and upon hearing both sides.

(9) In view of the above, present petition is allowed. Petitioner be admitted to bail pending trial on his furnishing fresh bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(10) Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

(11) The above observations may not be construed as an expression of opinion on the merits of the case.

(12) It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

16th July, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No