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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-16158-2024

Date of Decision: 18.04.2024

Ayub Masih

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Amit Choudhary, Advocate and
Mr. Stephan Masih, Advocate and
Ms. Madhu Rani, Advocate,
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

Ms. Shreya Rana, Advocate
for the complainant.

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.17 dated 02.03.2024 registered under Sections 406, 420 of IPC, at Police Station Lohian, District Jalandhar.

2. Learned counsel for the petitioner contends that the petitioner is aged about 73 years and has been falsely involved in the present case. He further contends that the petitioner had not taken any responsibility of compromise and there was no question of taking the amount of Rs.2.50 lakhs from the complainant, as alleged. He further contends that in the present case, the petitioner was arrested on 12.03.2024 and is in custody since then. The

investigation in the present case is almost complete and further custody of the petitioner 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 submissions made by learned counsel for the petitioner on the ground that the petitioner had cheated the complainant to the tune of Rs.2.50 lakhs and the said amount was taken in the presence of witnesses. However, neither he returned the amount nor got the matter compromised between the parties and thus, committed a fraud.

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

5. As per the record, the petitioner is aged about 73 years and is suffering from various old age diseases. Apart from that, the recovery, if any, has already been effected from him and no purpose will be served by keeping the petitioner behind bars.

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.

18.04.2024.
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(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No