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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19397-2024
Date of decision: 20.05.2024

Ravinderjit Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. J.S. Brar, Advocate for the petitioner.

Mr. Kuljit Singh, Addl. A.G. Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of regular bail in case having FIR No.265 dated 16.09.2023 registered under Sections 420, 465, 406 IPC at Police Station Civil Lines, District Bathinda.
2. The brief facts of the case are that complainant Jagmohan Singh lodged complaint with the police to the effect that petitioner took money from the complainant on the pretext of getting him admission in a college/university in Canada and later on, petitioner failed to do the needful and also refused to return the money and in this manner, petitioner committed fraud of Rs.13,40,000/- against the complainant. During investigation, the petitioner was arrested.
3. Counsel for the petitioner submits that petitioner is falsely implicated in the present case. That presently, petitioner is lodged in judicial

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custody and challan has been presented and it will take time for the trial to conclude and that no purpose is going to be served by detaining the petitioner in custody for any longer period.

4. The present petition is resisted by the State counsel who submits that petitioner who is named in the FIR, cheated and defrauded the complainant. The State counsel on instructions from ASI Buta Singh submits that out of the total amount in question, certain amount had directly gone to bank account of the petitioner and that petitioner has also returned amount worth Rs.1 lac out of the disputed amount to the complainant. The State counsel also apprised the Court that challan has been presented and petitioner who is in custody for the last more than 2 months and 23 days is having no criminal history and is presently lodged in judicial custody. The State counsel further submits that petitioner should deposit certain reasonable amount to show his bonafide.

5. On this, the counsel for the petitioner submits that petitioner has already paid amount of Rs.1 lac to the complainant and that petitioner will also deposit another amount of Rs.3.4 lacs in order to show his bonafide, but the said deposit will not prejudice the defence of the petitioner in any manner.

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

7. All the offences are triable by the Court of Judicial Magistrate, Ist Class. The petitioner who is in custody since 26.02.2024 is presently lodged in judicial custody. On completion of investigation, challan has been presented and it will take time for the trial to conclude. In the given

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circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period.

8. In light of the above, without expressing any opinion 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 of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, subject to deposit of Rs.3,40,000/- by the petitioner with the Illaqa Magistrate concerned within next 7 days and the said deposit will not prejudice the rights of the petitioner to defend the case in any manner and further said deposit will be subject to final decision in the criminal case by the trial Court.

20.05.2024 (KARAMJIT SINGH)
Yogesh JUDGE

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