



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.23525 of 2024 (O&M)
Date of Decision: 22.07.2024

Sukhdeep Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Chandan Singh Rana, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
109	22.12.2020	Sadar Raikot, District Ludhiana Rural	420 and 120-B of IPC

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a complaint lodged by the complainant Wisakha Singh jointly with Jeewan Kumar and other victims alleging therein that in the year 2016, the petitioner who had retired from B.S.F. induced them and some other persons to part with sums of Rs.3,50,000/Rs.4,00,000/- respectively by making representations that he could get their respective wards appointed in M.E.S. Force. He introduced them to co-accused Mani

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Bhushan Pande and Avadh Bihari Upadhyay by disclosing that he would be helping them in securing a job with the Forces. They alleged that money asked for by the petitioner had been got deposited by them in the bank account of co-accused Mani Bhushan Pande. Subsequently, appointment letters were sent to their children and the petitioner even took their children and children of other victims with him to Devalali (Maharashtra) for the purpose of joining them in the Force. They were, however, kept in a hotel for a period of over one month and were not even permitted to enter in the M.E.S. office. On objections being raised by the children of the victims including complainant, the accused Mani Bhushan Pande pacified them and told them to wait for some more time to get employed in M.E.S. office. The petitioner took their children for the purpose of joining in their respective jobs four times but they were never made to join any Government job. Subsequently, he started ignoring the complainant and other victims and had misappropriated the hard earned money of the complainant and others. After registration of FIR, investigation proceedings were initiated. Investigation has since been completed. The petitioner had moved an application for grant of bail which had been dismissed by the Court of learned Additional Sessions Judge, Ludhiana, vide order dated 16.04.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He had surrendered before the Court of learned Illaqa Magistrate at his own on 12.01.2024 and is in custody since then. No money was transferred by the complainant or any other person in his bank account nor any such money was paid to him. Totally false

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allegations had been levelled against him. No recovery has been effected from him. The trial is likely to take time. The subject offences are triable by Magistrate. Therefore, it is urged that the petition deserves to be allowed.

4. Per contra, learned State counsel who has advance notice of the petition and is ready to argue, has submitted that there are serious allegations against the petitioner as he in connivance with the co-accused named in the FIR duped the innocent complainant and other persons on the pretext of providing job in the Armed Forces to their respective wards. Simply because money was not transferred in his bank account, does not show his innocence. There are chances of petitioner's absconding or intimidating the witnesses if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

6. The petitioner in pursuance of a criminal conspiracy is alleged to have duped the complainant and several other persons by inducing them to part with a huge amount of money on the pretext of getting some jobs with M.E.S. office, secured for their children. He is in custody since 12.01.2024. Investigation has been completed. Trial is likely to take time. The subject offences are triable by Magistrate. It is well settled proposition of law that the bail is the rule and jail is an exception. His further detention is not going to serve any useful purpose. Keeping in view the above discussed facts and circumstances but without meaning to make any comment on the merits of the case, I allow this petition and the petitioner is

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ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court and further subject to the condition that he shall disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card, if any, and details of his mobile phone number to the learned trial Court and in case, any change in his address or mobile phone number takes place, then he shall inform about the same to the learned trial Court during trial of the case.

- 7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.
- 8. Miscellaneous application(s), if any, also stand disposed of.

22.07.2024
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(MANISHA BATRA)
JUDGE

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