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(224) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27557-2024 (O & M)
Date of Decision: 30.07.2024

Daljit Singh

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kuldip Singh, Advocate,
for the petitioner.

Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail to the petitioner in case bearing FIR No.10 dated 23.01.2024 under Sections 323, 384, 417 and 419 IPC (Sections 148 and 149 IPC added later on) registered at Police Station Khuian Sarwar, District Fazilka.

2. The FIR came to be registered at the instance of Hoshiar Singh and reads as under:-

“Statement of Hoshiar Singh son of Surjit Singh son of Arjan Singh, resident of SCF No.96, GT Road, Bara New Anaj Mandi, Sirhind, District Sri. Fatehgarh Sahib, aged about 54 years, Mobile No.89237-00040. Stated that I am resident of above said address and engaged in agricultural



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work. I regularly went to Jyoti Saroop Gurudwara at Fatehgarh Sahib for paying obeisance. Before 3 months, one Sikh young person met me and started talking with me. Thereafter, that young person was often meeting me at Gurudwara Sahib and was understanding me. Then we started meeting and taking with each other. That young person told me his name as Aman Singh son of Basant Singh, resident of village Danewala Satkosi and was telling me that there is an art in me that I will make the money double and I also make silver with my art. I came in his talks, came in his trap and came in the greed of making the money double. Then yesterday on 22.01.2024, I, my son Jaspreet Singh and my nephew Dilpreet Singh son of Parwinder Singh came at village Danewala Satkosi with Rs.15 Lac. At about 4/5 PM, above said Aman Singh met us at the outskirts of village Danewala Satkosi and brought us to his home. Aman Singh told that put Rs.15 Lac on this place, I have to do worship on it then we sit in the room after putting Rs.15 Lac. Then after sometime, 2-3 more persons came there and started giving us pushes and 4/5 persons were seen coming in police uniform then above said Aman Singh and his accomplices started raising loud alarm that police has arrived, we being scared and ran away from there. Then we came to the house of Aman Singh after about 1 hour then police officials and 2-3 other unknown persons were talking with Aman Singh. When I told Aman Singh that where is my Rs.15 Lac then all these persons were saying that we want to cheat you, so we do. Earlier also, we snatched the money from the persons in such a manner. Now I came to know that the person who were in uniform, those were Baljit Singh son of Darshan,



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Mangu son of not known, Buntly son of unknown, residents of Malout, Baljit Singh resident of Danewala, Jagga Singh, Daljit Singh sons of Hansa Singh, residents of Bakainwala and 2-3 more unknown persons, who were extending threats to me that if you tell anyone about this then we will get the case of fake currency registered against you. Now I came to know that Aman Singh party have made up a gang and they have also cheated many other persons by putting the fake police uniform. Now I and my son Jaspreet Singh and my nephew Dilpreet Singh was coming to police station for giving the information, you met us. Statement has got been record, heard which is correct. Strict legal action be taken against Aman Singh and his accomplices. Sd/- in Punjabi Hoshiar Singh. Sd/ in English Jaspreet Singh son”.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is undue delay in the registration of the FIR. In fact, the petitioner has no connection with the main accused/Aman Kumar @ Aman Singh. Be that as it may, a compromise has been arrived at between the complainant on the one hand and Aman Kumar @ Aman Singh on the other, pursuant to which, he was granted the concession of bail by this Court vide order dated 12.07.2024. As the petitioner was in custody since 11.04.2024 but none of the 16 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that the petitioner and his co-accused cheated the complainant of a huge



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amount of money. The allegations levelled in the FIR did not entitle him to the grant of bail. He, however, concedes that the main accused, namely, Aman Kumar @ Aman Singh had been granted the concession of bail based on the compromise, the petitioner was in custody since 11.04.2024 and that none of the 16 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. The main accused-Aman Kumar @ Aman Singh has already been granted the concession of bail by this Court vide order dated 12.07.2024. The petitioner is stated to be in custody since 11.04.2024 but none of the 16 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Daljit Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court.



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The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 30, 2024

sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No