



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.28619 of 2024(O&M)

Reserved on: 08.08.2024
Pronounced on: 30.08.2024

Parveen Kumar @ Parveen Kumar Masih ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Parampreet S. Bajwa, Advocate and
Mr. Karanyog S. Riar, Advocate and
Mr. Sahil Garg, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
02	04.01.2012	Maqsudan, District Jalandhar City	406, 420 IPC 1860

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. In paragraph 15 of the bail application, the petitioner declares that he has not criminal antecedents, however, as per reply dated 10.07.2024, the accused has following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	75	28.05.2022	Under sections 406, 420, 120-B IPC and section of 13 of PTPR Act	Sadar, Jalandhar

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That it is respectfully submitted that a case/FIR no.02 dated 04.01.2012, under sections 406, 420 of IPC, was registered at P.S. Maqsudan, Jalandhar (Rural)against the petitioner on the basis of an application/complaint bearing



No. 1465 PTO dated 14.10.2011 moved to SSP Jalandhar (Rural) by Jaswinder Singh son of Ajit Singh on the allegations that he had been cheated by the petitioner on the pretext of sending his son to Canada and took Rs. 13,00,000/- from him but the complainant's son was never sent abroad nor the amount so paid to him was returned by petitioner rather when the amount was demanded from him, he started threatening the complainant with dire consequences. So, he requested to take action against him as per law."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"Role of the Petitioner:

10. That it is respectfully submitted that the petitioner had cheated the complainant on the pretext of sending his son to Canada and took Rs.13,00,000/- from him but the complainant's son was never sent abroad nor the amount so paid to him was returned by the petitioner rather when the amount was demanded from him, he started threatening the complainant with dire consequences.

Evidence against the petitioner:

*11. That it is respectfully submitted that in the statement of the complainant it is categorically mentioned that the petitioner came to his house with Sukhvir Singh and at that time he alongwith his son Jagtar Singh and Buta Singh son of Lashkar Singh were present and they gave a sum of Rs.12.90 lacs to the petitioner (a sum of Rs 10 thousand along with passport was given to the petitioner on earlier occasion) after counting who kept the same in the bag brought by him and said that he will get the ticket arranged and assured that he will send his son within a week. After one week, he took his son to Delhi and with a view to see off his son and at that time he along-with Sukhvir Singh also went to Delhi, where they were made to stay in a hotel for 2 3 days and sent back by saying that some difficulty has arisen and they have to wait for some time more and they came back and have been siting the petitioner many times but he was making excuses and after lapse of sufficient time, they demanded * his money and the passport of their son but he again started making excuses but when they started putting persistent pressure, he had made a written agreement to refund Rs.8,50,000/- only and they having been trapped agreed to the same and here turned the passport of his son as also a sum Rs.2 lacs and assured to return the rest of the money in installments but he did not return money thereafter."*

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, per paragraph 9 of the bail petition, the petitioner has been in custody



since 16-03-2024. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner's complying with the following terms.
12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may



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download and use the downloaded copy for attesting bonds.

15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.