

Sahil Arora...Petitioner

vs.

State of Punjab...Respondent

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

Present : Mr. S.K.Arya, Advocate and
Mr. P.K. Kishanpuri, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Mr. S.K.Chaudhary, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

CRM-3872-2024

1. Application is allowed as prayed for. Annexure P-4 is taken on record.

CRM-M-34655-2023

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.164 dated 04.12.2021 registered under Sections 420, 406, 120-B of IPC, at Police Station Division No.1, Pathankot, District Pathankot.
2. As per the complaint moved by Sunny Kumar, complainant, the petitioner and his co-accused Preeti had cheated the complainant to the tune of

Rs.2.50 lakhs. It was alleged that the said amount of Rs.2.50 lakhs was taken by the accused to help the complainant in his divorce case.

3. Learned counsel for the petitioner contends that the petitioner is a poor person and is a fruit seller. Even the story projected in the FIR is apparently false and unbelievable. He further contends that similarly placed co-accused Preeti has been granted the concession of anticipatory bail by this Court, vide order dated 25.01.2023 passed in CRM-M-3621-2022 (Annexure P-2). Still further, the petitioner was arrested in the present case on 04.04.2023 and the final report under Section 173 Cr.P.C. has already been presented against him.

4. 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 2 more cases of similar nature have been registered against the present petitioner. Apart from that, in the present FIR also, the serious allegations have been levelled against the present petitioner. Thus, he does not deserve the concession of bail by this Court and the petition is liable to be dismissed.

5. I have given my thoughtful consideration to the rival submissions made by learned counsel for the parties. The petitioner was arrested in the present case on 04.04.2023 and is in custody for the last more than 9 months. All the offences in the present case are triable by the Court of Magistrate and the final report under Section 173 Cr.P.C. has already been presented against him on 22.05.2023. Thus, conclusion of the trial may take quite a long time and the custody of the petitioner is no more required for the purpose of investigation.

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.

07.02.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No