

231

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-34055-2024 (O&M)
Date of Decision:- 04.10.2024

GAURAV SAINI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Ms. Kushika Setia, Advocate for
Mr. S.P.S. Chakkal, Advocate for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG Punjab.

Mr. Dheeraj Siwach, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
103	28.07.2021	420 and 120-B IPC; 13 of the Punjab Travel Professional Regulation Act, 2012	Nurpur Bedi, Rupnagar

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is in custody since 04.05.2024 and even as per the



allegation levelled in the FIR, no amount was paid to the petitioner but was paid to sister of the petitioner namely Ranjit Kaur @ Kushi, who has since been enlarged on bail by learned Additional Sessions Judge, Rupnagar, vide order dated 11.09.2024. Learned counsel for the petitioner submits that the petitioner has no role in the alleged transaction and after the completion of investigation, challan has already been presented in Court of Magistrate for trial. He further submits that the petitioner is not having any other criminal case. Thus prayed for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant while referring to the status report submitted by the State has assailed these arguments by submitting that the petitioner along with his sister had duped the complainant on the pretext of sending the complainant to Canada and took an amount of Rs.7 lakhs (approximately) from him, but neither they send him abroad nor returned the amount. He has however admitted that the amount was paid in the account of sister of petitioner, who has since been granted the concession of bail by the Court of learned Additional Sessions Judge, Rupnagar.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that it is not disputed that as per the allegations, the amount in question was paid by the complainant to the sister of the petitioner, who has since been granted the concession of bail. The petitioner is in custody since 04.05.2024 and no specific overt act is attributed to the petitioner. After the completion of investigation, challan has already been presented in the Court.

The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

04.10.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |