

268

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-35303-2024
Date of decision:-27.08.2024

JASVIR SINGH ... Petitioner
Versus
STATE OF PUNJAB ... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Yagsimant Attri, Advocate for the petitioner.
Mr. Malkiat Singh, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed status report by way of affidavit dated 26.08.2024 of Deputy Superintendent of Police, Sub-Division, Budhlada District Mansa, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
135	31.08.2023	420 IPC	Boha, District Mansa

4. 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 contends that the main dispute *inter se* parties was regarding money transactions which had been lent by complainant -Mohan Singh to the



petitioner and he has been falsely implicated in this case after 4 years of the said transactions, in connivance with the police. He submits that neither the petitioner has any role in the alleged transaction nor he ever allured the complainant to procure a job in army for his son as has been alleged. He submits that petitioner is in custody since 17.12.2023 and the challan has already been presented in Court in the present case triable by the Court of Magistrate, hence he prayed for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply dated 26.08.2024 submitted by the State has not disputed the factual matrix, however opposed the bail petition by submitting that the petitioner had allured the complainant on the pretext of procuring a job in the army for his son and for that purpose has taken ₹8.5 lakhs from him. He submits that the petitioner does not deserve concession of regular bail, however he has admitted that the petitioner is not having any criminal antecedents.

6. After considering the rival contentions and perusing the record, it transpires that as per allegations levelled in the FIR(Annexure P-1) the petitioner had allured the complainant to give him ₹ 8.5 lakhs for procuring a job in army for his son. It is alleged that neither the son of complainant got job nor petitioner returned amount. On the contrary, the stand taken by the petitioner is that he had taken loan from the complainant and on account of non-payment thereof, the complainant had got false case registered against him. After completion of investigation, challan has already been presented in Court and complainant as well as his son have been examined and learned counsel for the petitioner has placed on record their testimony to show that Makhan Singh son of complainant has categorically stated while appearing as

PW2 that his father had given loan to the present petitioner. Admittedly the

prosecution has only examined 3 witnesses out of 13 cited witnesses. The conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case triable by the Court of Magistrate will take sufficient long time.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars any longer. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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.

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

(SANJIV BERRY)
JUDGE

27.08.2024

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