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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.38732 of 2024
Date of Decision: 28.11.2024

Jagwant Singh @ Jagwant Singh Deol ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Nirmaljeet Singh Sidhu, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

Mr. Arshdeep Singh Brar, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
25	27.02.2024	Badhni Kalan, District Moga	420, 465, 467, 468, 471, 506 and 120-B of IPC

2. As per the prosecution case, the aforementioned FIR had been registered against the petitioner and the co-accused on the allegation that they hatched a conspiracy with each other and in pursuance thereof, cheated the complainant Harbhagwan Singh by inducing him to part with an amount of Rs.20 lakhs on the pretext of getting his loan account with

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State Bank of India, Jagraon Branch settle/closed. They handed over a forged and fabricated clearance certificate to the complainant. On receipt of complaint lodged by the complainant, inquiry had been conducted into the matter which proved that the present petitioner along with co-accused Nirmal Singh had taken an amount of Rs.9.60 lakhs and had given a forged and fabricated clearance certificate to the complainant, in connivance with the co-accused. The petitioner was arrested on 08.06.2024. Investigation qua him stands completed and challan has been presented before the Court of competent jurisdiction.

3. It is argued by learned counsel for the petitioner that he is in custody since 08.06.2024. His custodial interrogation is not required. The trial is likely to take time. His further detention would not serve any useful purpose. There is no documentary proof of giving of an amount of Rs.9.60 lakhs by the complainant to him. He has a permanent abode. There are no chances of his absconding. He has clean antecedents. Therefore, it is urged that he deserves to be released on bail.

4. Per contra, it is argued by learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant that the allegations against the petitioner are serious in nature as he in connivance with the co-accused not only induced the complainant to part with a sum of Rs.20 lakhs but also prepared a forged clearance certificate and even used the same by giving it to the complainant by making representation that the same was a genuine one. The co-accused are yet to be arrested. There are chances of petitioner's tampering with evidence or influencing the witnesses if extended

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benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed,

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner in connivance/conspiracy with the co-accused is alleged to have induced the complainant to part with a sum of Rs.20 lakhs and is further alleged to have forged a clearance certificate and gave the same to the complainant by representing that it was a genuine one and was issued by his banker. There is no bank transaction qua receipt of amount of Rs.9.60 lakhs by the petitioner. He is in custody since 08.06.2024. Investigation has since been completed. Trial is likely to take time. Non-arrest of co-accused is not a ground to deny concession of bail to the petitioner. The subject offences are triable by Magistrate. The trial will take time. His further detention would not serve any useful purpose. As per the above discussed facts but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner deserves to be released on bail at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

28.11.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No