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(223)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40108-2024

Date of Decision: 27.08.2024

SUKHDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Shiv Partap Singh Khattri, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

Mr. Paras Jagga, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.08 dated 30.01.2024 registered under Sections 406 and 420 IPC and Section 24 of Immigration Act at Police Station Payal, Khanna, District Ludhiana.

2. The present FIR came to be registered at the instance of Jasmin Kaur and Thakur Singh Mander, the children of Darshan Singh with the allegations that the petitioner, his wife and other accused had duped them for an amount of Rs.74 lakhs on the pretext of sending them abroad. However, they were not sent abroad and nor was the money returned to them.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The investigation

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had been conducted in a tainted manner. The dispute if any is of civil nature. The complainant party had beaten the petitioner brutally on 13.05.2024. As the petitioner was in custody since 14.05.2024, none of the 16 prosecution witnesses had been examined so far and he was a first-time offender, he was entitled to the concession of bail moreso as the case was triable by the Court of a Magistrate.

4. On the other hand, the learned State counsel contends that offences of this kind were on the rise and the nature of the allegations did not entitle the petitioner to the grant of bail. She, however, concedes that the petitioner was a first-time, in custody since 14.05.2024 and that none of the 16 prosecution witnesses had been examined so far.

5. The learned counsel for the complainant has vehemently opposed the bail petition contending that various documents had been executed by the petitioner party admitting the factum of having received money on the pretext of sending the complainant party abroad. Neither were the complainants sent abroad nor was the money returned to them. Therefore, the serious nature of the allegations did not entitle the petitioner to the grant of bail.

6. I have heard the learned counsel for the parties.

7. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or

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Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

8. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first-time offender, in custody since 14.05.2024 and none of the 16 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. There are no serious apprehensions expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. Therefore, in this situation, the further incarceration of the petitioner is not required.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sukhdeep Singh son of Gurmeet Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

11. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same

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would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

27.08.2024

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No