

CRM-M-54594-2023

Date of Decision:12.03.2024

DALVIR SINGH

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Davinder Singh Saini, Advocate
for the petitioner.

Mr. Inderjeet Singh, DAG, Punjab.

KARAMJIT SINGH, J.
Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.94 dated 03.08.2022 registered for the offences punishable under Sections 420 of IPC at Police Station Ghanaur, District Patiala.

2. The allegations against the accused persons are that they took Rs.12,50,000/- from complainant to provide him a work permit/visa of Canada but thereafter they failed to do so and also refused to return money to the complainant. During investigation, the petitioner was arrested by the police on 23.07.2023.
3. Counsel for the petitioner submits that the petitioner was falsely implicated in the present case and is in custody for the last more than 7 months and is having no criminal history and that during trial complainant has been examined. He further submits that however it will take considerable time for the trial to conclude and no purpose will be served by prolonging the judicial custody of the petitioner.

4. On the other hand, the present petition is resisted by the State counsel who submits that petitioner and other accused took huge amount of Rs.12,50,000/- from complainant in order to provide him work permit to go to Canada but the accused failed to fulfill their promise and also refused to return the aforesaid money to the complainant. However, the State counsel on instructions from ASI Swaran Singh has not disputed the fact that petitioner is in custody for the last more than 7 months and that the trial is at its initial stage
5. It appears that all the offences are triable by the Court of Judicial Magistrate First Class.
6. As per custody certificate, petitioner is behind the bars for last more than 7 months and is having no criminal history. Complainant stands examined during trial. So, there is no apprehension that if released on bail, the petitioner is going to influence the complainant. Further, it appears that prosecution is able to examine only one witness out of total 14 witnesses till date and thus it will take time for the trial to terminate. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.
7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.03.2024

Priyanka Thakur

Whether speaking/reasoned

Whether reportable

(KARAMJIT SINGH)

JUDGE

Yes/No

Yes/No