



CRM-M-52681-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-52681-2024
Date of decision: 22nd October, 2024

Amandeep Kamboj @ Aman

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case bearing FIR No. 56 dated 15.05.2024 registered under Sections 406 and 420 of IPC, 1860 at Police Station Vairoke, District Fazilka.

2. As per the prosecution case, a complaint was lodged by the complainant Kuldeep Singh alleging therein that the petitioner and co-accused had represented to him that they could get his son recruited as Sub Inspector in Punjab Police and induced him to pay an amount of Rs. 70,00,000/- by giving assurance to provide employment in Punjab Police to his son. The complainant initially paid an amount of Rs. 30,00,000/- and



then Rs. 40,00,000/- respectively to the petitioner and co-accused. However, they did not get his son recruited and when the complainant asked for refund of the money given by him, the petitioner and co-accused started extending threats to him. As such, he prayed for taking action against them. On his complaint, the aforementioned FIR was registered. Investigation proceedings were initiated. During investigation, the petitioner was arrested on 09.04.2024. Investigation has since been completed and challan stands presented before the learned trial Court. The petitioner had moved an application of regular bail which has been dismissed by Court of learned Additional Sessions Judge, Fazilka vide order dated 04.10.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the allegations that Jugraj Singh had received a sum of Rs. 30,00,000/- from the complainant on behalf of petitioner as well as Satbir Singh, by inducing him to provide recruitment in Punjab Police. No such amount is even alleged to have been given to the petitioner. There is delay of six years in lodging the FIR. The above named Jugraj Singh has not even been nominated as an accused despite the fact that he was the person who was alleged to have received money from the complainant. The petitioner has been booked in some other criminal cases. However, he is on bail in all such cases and has been falsely implicated in the same. The trial is likely to take time. His custodial interrogation is no more required. No recovery has been effected from him. His further detention would not serve any useful purpose. The co-accused Satbir Singh



has since been extended benefit of pre-arrest bail. On parity, he too deserves to be released on bail. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel who has advance notice of the petition and is ready to argue the matter, has submitted that there are serious allegations against the petitioner. There are chances of his absconding, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have induced the complainant to part with a sum of Rs. 70,00000/- on the pretext of getting his son recruited in Punjab Police. However, no documentary proof qua giving money by the complainant to the petitioner has been collected during the course of investigation. He is in custody since 09.04.2024. Trial is likely to take time. The subject offences are triable by Magistrate. The fact that other FIRs have been registered against the petitioner cannot be considered to be a reason for denying the prayer made by the petitioner, especially in the circumstances when he is on bail in all such cases. It is well settled proposition of law that bail is the rule and jail is an exception. In view of the above discussed facts and circumstances but without meaning to make any comment on the merits thereof, I am of the



considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

22nd October, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |