



CRM-M-52677-2024

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

228-3

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Date of decision: 13th November, 2024

Amandeep Kamboj @ Aman

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: 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. 55 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 written complaint was lodged by complainant Manjinder Singh alleging therein that the petitioner along with co-accused Satbir and Sarv Satya Chauhan had allured him to provide employment in Punjab Police for his friend Sukhwinder Singh against payment of Rs. 10,00,000/-. On being so induced, the complainant had paid an amount of Rs. 10,00,000/- for securing a job in Punjab Police for his friend Sukhwinder Singh. The above said amount had been given to him



through Jugraj Singh. However, neither any government employment was provided to Sukhwinder Singh nor the money of the complainant was returned. Therefore, he prayed for taking action. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 17.07.2024. He moved an application for grant of regular bail which was dismissed vide order dated 04.10.2024.

3. It is argued by learned counsel for the petitioner that he has been implicated in this case on false, frivolous and vague allegations. The FIR of this case was registered after a gap of six years from the alleged incidence of handing over of money by the complainant to him and the co-accused. The prosecution version is highly improbable and unbelievable. No documentary proof qua handing over the amount of Rs. 10,00,000/- could be produced by the complainant before the investigating agency. No money had been paid by the complainant to him as per the allegations in the FIR itself and the money, if any, was paid to one Jugraj Singh. He is on bail in most of the cases which have been registered against him. Investigation has since been completed. Trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that he deserves to be released on bail.

4. Status report has been filed by respondent-State. It is argued by learned State counsel that the petitioner has criminal antecedents and is a habitual offender since he had been booked in 46 other cases of similar nature. He has been convicted in one of such cases and is facing trial in others. He has also been declared an absconder/ proclaimed person in some



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of the cases registered against him. Trial is going on at a proper pace. There are chances of his absconding or committing similar offence, 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 co-accused is alleged to have induced the complainant to part with a sum of Rs. 10,00,000/- on the pretext of getting job to his friend 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 17.07.2024. Trial is likely to take time. The FIR was registered after a gap of six years. The co-accused Satbir has been granted interim bail. 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

13th November, 2024

Parveen Sharma

1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No