



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

CRM-M-52672-2024
Date of Decision : **29.10.2024**

AMANDEEP KAMBOJ @ AMANPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

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

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.50, dated 26.05.2024, under Sections 406, 420 and 506 of the IPC, registered at Police Station Arniwala, District Fazilka.

2. The brief facts of the facts, which are culled out by the judgement of the learned trial court concerned, while declining the regular bail application of the present petitioner, reads as under:-

“2. The FIR in this case has been registered on the application having been moved by complainant Manish Kumar son of Om Parkash against accused-applicant Aman Sakoda and non-applicants-accused Ram Dev son of Har Krishan and Ankush Vadhera wherein, it was alleged by the complainant that he had a dispute with his relative Ranjit Kumar son of Dhan Singh. It was further alleged that the aforesaid persons have formed a gang to commit fraud and on coming to know that complainant had a dispute with his relative Ranjit Kumar in police station, in the month of May 2022, accused Ram Dev under a conspiracy approached the complainant and

demanded Rs.2,00,000/- from him to get the offence enhanced in the FIR against said Ranjit Kumar. On 09.08.2022 complainant handed over Rs.2,00,000/- to non-applicant/accused Ankush Vadhera in presence of Mukesh Kumar son of Satvir an employee of their hotel and non-applicant/accused Ankush Vadhera assured the complainant that offence would be enhanced in the FIR after few days but, thereafter the accused linger on the matter and when complainant demanded back his Rs.2,00,000/- from the accused, they refused to give rather, threatened him with dire consequences. ”

3. In asking for the relief (*supra*), learned senior counsel for the petitioner, submits that the petitioner has suffered incarceration of about 3 months as on today, and all the offences are triable by a Judicial Magistrate Ist Class.

4. He further submits that the allegation levelled against the present petitioner in the instant FIR is that the complainant has given money to one Ankush Vadera, for the purpose of the enhancement of the offence, however, he had been granted the relief of anticipatory bail, by this Court vide order dated 08.08.2024 (Annexure P-20).

5. He further placed reliance upon an order dated 08.08.2024 (Annexure P-19), whereby the co-accused-Ramdev, has been granted the relief of anticipatory bail by this Court.

6. On the other hand, learned State counsel vociferously opposed the asked for relief (*supra*), and submits that the petitioner is a habitual offender and is involved in about 48 other criminal cases.

7. He has filed a custody certificate *qua* the petitioner, which reflects that the petitioner has suffered incarceration of 02 months and 29 days, as on today.

8. He further submits, on instructions imparted to him by ASI Vishlesh Kumar, that investigation is still going on in instant FIR and final report is yet to be filed by the prosecution.

9. This Court has considered the rival submissions made by learned counsel for both the parties concerned, and has gone through the entire case file, and is of the view that the instant petition is amenable to allowed on the following grounds:-

i. the petitioner has suffered incarceration of 02 months and 29 days as on today, and the case is still under investigation,

ii. the main accused-Ramdev already been extended the relief of anticipatory bail by this Court, vide order (Annexuer P-19);

iii. though the petitioner is involved in 48 other criminal case, however, the pendency of other criminal cases would not disentitle the petitioner to grant the relief of regular bail in the instant case.

iv. All the offences are triable by a Judicial Magistrate Ist Class;

v. The case is still under investigation, and final report is yet to be submitted, therefore, conclusion of the trial would take a long time.

10. In view of the above, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of his respective bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

11. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.
12. All pending application(s), if any, also stand **disposed** of accordingly.

October 29, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No