

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

227

CRM-M-58495-2023

Date of Decision: 15.01.2024

Gourav Tangi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Rakesh Kumar, Advocate for the petitioner.
Mr. Kamalpreet Bawa, AAG, Punjab.
Mr. Vishal Sharma, Advocate for the complainant.

ALOK JAIN, J. (Oral)

1. The present petition is for grant of regular bail to the petitioner in case FIR No.74 dated 02.08.2023 under Section 420, 406, 467, 468 and 471 IPC, registered at Police Station Division No. 1, Pathankot, District Pathankot, Punjab.

2. Learned counsel for the petitioner submits that the entire averments in the FIR are false and concocted. The petitioner is in custody for more than 5 months and the entire matter is only based on documentary evidence. He also volunteers to give a surety of Rs. 5 lacs.

3. *Per contra*, learned State counsel has submitted that as per the allegation in the FIR, the petitioner induced the victims to pay money for getting them a Government job which needs to be dealt with strictly, however, could not deny the fact that the charges have been framed and 3 material witnesses have been examined.

4. Learned State counsel, assisted by learned counsel for the complainant has opposed the grant of concession to the petitioner on the premises that hard earned money of the victims had been embezzled by the petitioner.

At this stage, learned counsel for the petitioner has submitted that in fact all the alleged victims are close relatives of complainant-Dharamvir. In fact, the complainant-Dharamvir had received the alleged amount from the victims. He further submits that the petitioner had extended friendly loan to the complainant and the amount which is being shown to have been paid by the complainant to the petitioner is towards discharge of the said liability.

5. Heard the learned counsel for the parties. All the issues raised by the learned counsel for the petitioner are the matter of trial and the Court refrains to comment upon the same.

6. Keeping in view the custody of the petitioner of more than 5 months and 11 days coupled with the fact that the material witnesses have been examined, the petitioner deserves the concession of regular bail. However, the same shall be subject to the petitioner furnishing heavy surety to the satisfaction of the trial Court.

7. In view of the above, without commenting upon the merits and considering the long incarceration of the petitioner, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds of Rs.5 lacs to the satisfaction of the trial Court/Duty Magistrate concerned. He shall, however, be released on the following conditions:

- ◆ The petitioner shall declare his ordinary place of residence and the mobile number used by him.

- ◆ He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- ◆ He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- ◆ He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

8. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

10. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of the condition(s) of bail.

(ALOK JAIN)
JUDGE

15.01.2024

Rajeev (rvs)

Whether speaking/reasoned

Yes

Whether reportable

No