

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-64716-2023 (O&M)
Date of Decision:-30.1.2024

Bipin Babu Gupta ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.P.S. Ghuman, Advocate and
Mr. Shivraj Daumajra, Advocate for the petitioner.

Mr. C.L. Pawar, Addl.A.G., Punjab.

FIR No.	Dated	Police Station	Section/s
274	13.11.2023	Division No.5, Commissionerate Ludhiana	406, 420, 465, 467, 471 and 120-B of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged at the instance of Gauravbir Singh Bedi, wherein he alleged that he is having a mobile shop and that one Jaspreet Singh had approached him and had represented that he was having a shop in another area and he could sell the mobile phones. Upon a deal having been struck, the complainant used to supply mobile phone to Jaspreet Singh and Jaspreet Singh after selling the same used to make payment to the complainant. It is

alleged that Jaspreet Singh after winning confidence of the complainant was given large quantity of mobile phones and at one point of time mobile phones worth Rs.5.36 lakhs were sent to Jaspreet Singh and subsequently another consignment of mobile phones worth Rs.6.82 lakhs were sent to him but he had not paid the said amount.

3. Learned counsel for the petitioner submitted that even if all the contents of the FIR are taken to be correct, the same would constitute a civil liability only. It has further been submitted that the petitioner, in any case, is not named in the FIR and it is alleged that Jaspreet Singh had further sold off the mobile phones to him after the same were delivered by the complainant.
4. Opposing the petition, learned State counsel submitted that since the alleged mobile phones have been recovered from the petitioner, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 months and 9 days. Learned State counsel has been informed that although the petitioner happens to be involved in one more case for offence under Sections 406 and 420 IPC, but he stands acquitted in the said case. It has been informed that the investigation is already complete and challan stands presented in the present case.
5. Mr. Atul Kumar, Advocate has put in appearance on behalf of the complainant and has filed *Vakalatnama*, which is taken on record.
6. Learned counsel representing the complainant has submitted that the complainant does not have any objection in case the petitioner is released on bail.
7. This Court has considered rival submissions addressed before this Court.

8. Having regard to the nature of allegations and also the fact that the petitioner has been behind bars since the last about 2 months and 9 days and also that the petitioner enjoys a clean record and while bearing in mind the fact that the investigation is already complete and challan stands presented, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to consume time. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.1.2024
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No