



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

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**CRM-M No.6241 of 2024
Date of decision : 20.1.2025**

Sukhdev Singh**Petitioner**
Versus
State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Sushma Chopra, Advocate, for the petitioner

Mr. Anup Singh, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.77 dated 01.10.2022, under Sections 420, 406, 467, 468 and 471 of the IPC, registered at Police Station Taragarh, District Pathankot.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'At your service. Hon'ble SSP Sahib, Pathankot Subject:- Complaint against accused Sukhdev Singh (Aadhaar No-7994 5432 0103) Son of Mr. Pritam Singh Resident of E-16-K, 201 GF Nala Road Seelampur North Delhi Hall Resident No-4 New Colony Opposite Bus Stand Delhi Mobile No 8570930103. Mr. Maan Ji, I request you that I am Mrs. Manjit Kaur wife of Late Mr. Kulwant Singh resident of Village Dholowal Tehsil District Pathankot. That there is Pir Baba's place near my village and Ram Lubhaya's son Sri Amir Chand is serving at that place. I have been



visiting that Pir Baba's place for a long time About a month ago, the said Sukhdev Singh also came to Pir Baba's place and he was telling Ram Lubhaya Sevdar that if you have any unemployed boys, let me know that I have vacancies for government jobs. He said that I opened my security guard office named Sandhu Job Placement Security Services Bhangale. The said Sukhdev Singh also spoke to me while sitting and I said that my son Gagandeep Singh is unemployed and I want to get him a job. Sukhdev Singh gave me his mobile number and placed his hand on Pir Baba's Dargah and said that I will not betray you I swear to Baba. With which the belief became more and he said that my office is nearby, you can go and see if you want. Then after a few days Sukhdev Singh said that I have got railway posts and said that you should give the certificates of your son Gagandeep Singh and also said that your son will get a government job for Rs.5,50,000/- in the railway. Then he provided his account no- 50100534194244 in HDFC The first installment of Rs.1,00,000 was deposited Branch, Mukeria. The in this pccount on 16-08-2022 and the second installment of Rs.1,00,000 on 20-08- 2022 and the third installment of Rs 1,00,000 on 24-08-2022 and on 2022- 08-26 he called me to his office and took Rs.2,50,000 in cash. Thus he has taken a total of Rs 5,50,000. He gave the joining letter to my son and called him to New Delhi railway station and there my son Gagandeep Singh joined the services of railway. My boy was accompanied by 11, 12 other boys. Uniforms were given to all of them and their attendance started. It was revealed in this way that one of these boys was doing duty in Train, when in the train TT asked him for Tram ticket, then he said that I am also a railway employee. The TT then asked for ID card which the boy provided. So the TT did a net research and his ID card was found to be fake, and they also detained my boy Gagandeep Singh and registered a case against them and some other persons. Therefore, I request you that I am a poor and widowed woman and I had arranged the money by selling my jewelery and mortgaged the land and the said Sukhdev Singh has cheated me and took the money and a case has also been registered against my son Gagandeep Singh. So please help me as the said Sukhdev Singh has committed fraud with me.An FIR should be registered. You will be very kind. Thank you sir./-Sri Mati Manjit Kaur Wife of Late Mr. Kulwant Singh Resident of Village Dholowal Tehsil and Distt Pathankot MOBILE No. 8054984951 dated 07-09-2022.'

3.

Learned counsel for the petitioner has argued that the petitioner



is in custody since 4.3.2023. Learned counsel has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further submitted that no money has been transmitted to the account of the petitioner. Learned counsel has further submitted that the trial in question is magisterial in nature and no useful purpose will be served by keeping the petitioner in further incarceration. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 18.1.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 4.3.2023 whereinafter investigation was carried out and challan stands presented on 14.4.2023. Total 22 prosecution witnesses have been cited out of which only 8 have been examined. Indubitably, conclusion of the trial will take long. The rival contention of learned counsel for the parties give rise to debatable issues which shall ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.



As per custody certificate dated 18.1.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of one year, ten months and fourteen days.

As per the said custody certificate, the petitioner is stated to be involved in three more cases. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned



CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

20.1.2025
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No