



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

211

CRM-M-7264-2024 (O&M)

Date of Decision: 16.01.2025

Vikrant Dhiwan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Nevadita Malik, Advocate for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

Mr. B.S. Bhalla, Advocate for complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for seeking bail pending trial in FIR No. 233 dated 24.08.2022, registered under Section 420 of Indian Penal Code, 1860, at Police Station Sadar Amritsar, District Amritsar.

2. Allegations are that petitioner duped complainant-Mohraj Singh to the tune of Rs.40 lakh on pretext of sending his wife abroad, but failed to do so.

3. Learned counsel contends that petitioner was granted interim bail on 15.05.2024 subject to his voluntary payment of Rs.2,50,000/- to the victim-Ranjit Kaur and same has already been paid. Also contends that petitioner remained in custody w.e.f. 07.10.2023 to 27.05.2024 and charges



were framed on 25.01.2024; out of total 21 PWs, only 03 PWs examined till date and hence, trial is likely to take sufficient long time.

4. *Per contra*, learned State Counsel, on instructions from quarter concerned, has acknowledged the above factual position, but opposes the prayer on the premise that remaining amount is yet to be recovered from the petitioner.

5. On similar lines, learned counsel for complainant has also opposed the prayer that substantial amount is yet to be recovered from the petitioner.

6. Heard learned counsel for both the sides and perused the paper book.

7. This Court granted interim bail to the petitioner on 15.05.2024 in the following manner:-

“ Short reply dated 15.05.2024 by way of affidavit of Sh. Vijay Kumar, PPS, ACP (EOW and Cyber Crime), Amritsar filed on behalf of respondent-State is taken on record. Registry to tag the same at appropriate place.

Learned counsel, on instructions, from petitioner, submits that alleged amount of Rs. 2,50,000/- shall be refunded to victim-Ranjit Kaur within a period of 2 months from today subject to final outcome of criminal case.

Posted for 24.07.2024.

Till the next date of hearing, petitioner is ordered to be released on interim bail in this case on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

However, it is made clear that in case there is failure on the part of petitioner in making payment of Rs.2,50,000/-, this Court would be constrained to withdraw the interim protection.”

8. It is not in dispute that petitioner remained in custody from 07.10.2023 to 27.05.2024 and out of total 21 PWs, only 03 PWs have been examined till date. Learned State counsel is also not able to controvert that after granting interim bail vide order dated 15.05.2024, petitioner is regularly appearing before learned trial Court and never misused the concession in any manner.



9. Although prayer is opposed by the respondents on the ground that balance money is yet to be recovered from the petitioner, but these are not the recovery proceedings; nor such a plea would be acceptable to deny the bail pending trial to the petitioner.
10. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 15.05.2024, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
11. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned Special Court without seeking any unnecessary adjournment(s).
12. The above observations be not construed as an expression of opinion on the merits of the case.
13. It is clarified that in case there is any misuse of concession by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
14. Also clarified that payment of Rs. 2,50,000/- to victim-Ranjit Kaur shall be subject to the final outcome of criminal case arising out of FIR No. 233 dated 24.08.2022 (*supra*).

Pending application(s), if any, shall also stand disposed off.

16.01.2025
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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