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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42299-2024
Date of decision: 14.01.2025

AMARJIT SINGH DHINGRA

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Gurneet Sagoo, Advocate for the petitioner.

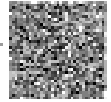
Mr. P. S. Bhandari, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. At the outset, learned counsel for the petitioner submitted that inadvertently in the headnote of the petition, it has been mentioned as '482 Cr.P.C.' instead of '439 Cr.P.C.' and therefore, on her oral request, the same may be corrected.

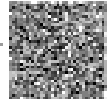
2. The oral request made by the learned counsel for the petitioner is accepted. It is directed that in the head note of the petition, Section 482 Cr.P.C. be substituted and read as Section 439 Cr.P.C.

3. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.217 dated 22.08.2019, under Sections 409, 420 and 120-B of the IPC, registered at Police Station City Moga, Punjab.



4. Learned counsel for the petitioner submitted that the petitioner is in custody from 19.03.2021, which is about 3 years and 10 months and 10 prosecution witnesses have been examined out of total cited 41 prosecution witnesses. She further submitted that although the present is a third successive bail petition filed by the petitioner and his first bail petition was dismissed on merits on 28.04.2022 and second bail petition was dismissed as withdrawn on 10.01.2024 but the present successive bail petition is maintainable in view of the fact that the petitioner has already faced long incarceration for about 3 years and 10 months. She further submitted that as per the FIR, the petitioner is a Managing Director of a company, namely, M/s Sarb Agro Company, which is duly registered with the Registrar of Companies and there are number of other Directors, who are also co-accused in the present case. She further submitted that so far as the present petitioner is concerned, allegations against him were that he had taken money from common people including the farmers for the purpose of doing business of buffalos, cows and goats and as per the allegations in the FIR, the petitioner has taken money from about 35 persons to the tune of Rs.4.66 crores. She further submitted that although the petitioner was earlier declared as a proclaimed offender but thereafter, he was arrested on 19.03.2021 and since then he is in continuous custody.

5. Learned counsel for the petitioner also submitted that the petitioner is now about 70 years of age and he is also suffering from medical ailments and considering his aforesaid long custody, he may be considered for the grant of regular bail. She further submitted that the petitioner is also involved in similar other cases but the aforesaid pendency of some other cases should not become a

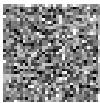


ground for denial of regular bail to the petitioner considering his long custody as aforesaid.

6. On the other hand, Mr. P. S. Bhandari, AAG, Punjab submitted that so far as the custody of the petitioner is concerned, the same is correct but the magnitude of the case is too high since the allegations against the petitioner are pertaining to embezzlement of a large amount to the tune of Rs.4.66 crores. He further submitted that the petitioner is involved in 4 other cases of similar nature and has also been convicted in 30 other cases under Section 138 of the Negotiable Instruments Act for dishonour of cheques. He also submitted that considering the aforesaid factual circumstances, the petitioner does not deserve the concession of regular bail.

7. I have heard the learned counsels for the parties.

8. It is a case where the petitioner is in custody for about 3 years and 10 months and as per the learned counsels for the parties, 10 prosecution witnesses have already been examined out of total cited 41 prosecution witnesses. Although the present is a third successive bail petition filed by the petitioner but considering his aforesaid long custody, this Court is of the considered view that the present third successive bail petition is certainly maintainable. The allegations against the petitioner were pertaining to collecting of money from about 35 persons to the tune of Rs.4.66 crores on the pretext of doing business of buffalos, cows and goats. The petitioner is also stated to be involved in 4 other cases of similar nature and convicted in 30 other cases under Section 138 of the Negotiable Instruments Act.



9. After hearing the learned counsels for the parties, this Court is of the considered view that although the petitioner is involved in 4 more cases of similar nature, in which he is stated to be under trial but that itself would not become a ground for denial of regular bail to the petitioner. Similarly, convictions in 30 more cases under Section 138 of the Negotiable Instruments Act would also not become a ground for denial of regular bail to the petitioner considering his long custody, which is stated to be about 3 years and 10 months.

10. Therefore, considering the aforesaid totality and circumstances of the present case particularly the aforesaid long custody of the petitioner, this Court deems it fit and proper to grant regular bail to the petitioner.

11. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned **with an added condition that the petitioner shall forthwith deposit his passport before the learned trial Court and he shall not leave the country without the permission of the learned trial Court.**

12. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

14.01.2025
Chetan Thakur

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