

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-43589-2024 (O&M)
Date of Decision:- 10.01.2025

NARESH KUMAR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. J.S. Brar, Advocate
for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

Mr. Navkesh Singh, Advocate
for the complainant.

SANJIV BERRY, J. (ORAL)

1. Mr. J.S. Brar, Advocate has put in appearance on behalf of the petitioner and filed his power of attorney with no objection from the previous counsel, which is taken on record.
2. The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
173	31.12.2023	406, 420, 120-B IPC (419, 465, 467, 468 IPC added	Division No.4, District Patiala

		later on)	
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3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case by the police at the instance of the complainant party to grab money from the petitioner. He contends that the petitioner is not named in the FIR and has no concern whatsoever with the alleged transaction. He submits that the petitioner is in custody since 03.07.2024 and after the completion of investigation, challan has already been presented in Court, hence, petitioner is not required for further investigation in the matter, thus, prays for grant of bail to the petitioner.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant, while referring to the status report submitted by the State has opposed the bail petition on the ground that petitioner along with co-accused had duped the complainant on the pretext of providing him Government job and had taken ₹5,50,000/- from him. Hence, prayed for dismissal of the petition.

5. Heard learned counsel for the parties and perused the record.

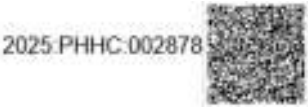
6. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution the instant FIR was registered on the basis of complaint moved by one Gurjant Singh on the allegations that in May 2018, co-accused Balwinder Singh along with his father Jujhar Singh had come to the house of ex-sarpanch Dhyen Singh, where uncle of the complainant namely Mohinder Singh was called to meet them and the



accused persons told him to get employment for any of their educated family member. Thereafter, an amount of ₹5,50,000/- was allegedly paid by the father of the complainant to the accused persons on different dates, but neither the job was provided nor the money was returned to the complainant. The complainant party in their application had specifically stated that the father of the complainant Kashmir Singh had paid the amount to co-accused Balwinder Singh. As per learned State counsel, the alleged payment had been made by the father of the complainant after withdrawing ₹2 lakhs on 09.07.2018 and ₹1 lakh on 28.02.2019 from his account. The entire transaction is by cash and this fact is specifically denied by learned counsel for the petitioner. Admittedly, the petitioner is in custody since 03.07.2024 and after the completion of investigation, challan has already been presented in Court and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion



of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

10.01.2025
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |