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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48828-2024
Date of Decision: 05.02.2025

GURMAIL SINGH

....Petitioner(s)

VERSUS

STATE OF UT CHD.

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

Mr. Manish Bansal, P.P. U.T. Chandigarh.

Mr. Arjun Sheoran, Advocate and
Ms. Tejasvi Sheokand, Advocate for the complainant.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Gurmail Singh	0135	24.07.2024	409, 420, 467, 468, 471, 120-B of IPC	Central Sector-17	Chandigarh

2. While recording the contention of the petitioner on 16.01.2025, following order was passed:-

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Counsel for the petitioner submits that in fact, with the main accused namely Kushpal, complainant and the other



victims have compromised the matter, and petitioner, being only an employee of the company, is not responsible for the alleged fraud committed by the company.

Learned State counsel has filed custody certificate in the Court today and the same is taken on record.

List again on 05.02.2025.

Learned State counsel would find out whether the assertion made by counsel for the petitioner today before this Court in regard to the compromise effected with Kushpal or any other accused is true, or not '

2.1 Continuing his submissions, learned counsel for the petitioner submits that real culprit is owner of the company i.e. Kushpal Singh and, therefore, other persons who have also been duped have settled their dispute with said Kushpal Singh. Had there been any active role played by the petitioner, those other people would have pursued him for the purpose of recovering of the amount. In fact, petitioner is merely an employee in the company and, given that, he had no active involvement, his long incarceration is not going to serve any purpose to the prosecution.

2.2 He further submits that petitioner has already remained inside jail for more than 06 months and after completion of the investigation qua him, final report has been submitted to the Court, and therefore, prays for grant of bail.

3. On the other hand, Mr. Manish Bansal, P.P. U.T. Chd. appearing on advance notice and in response to the arguments addressed by learned counsel for the petitioner, produces the custody certificate dated 05.02.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.



3.1 As per the custody certificate, in the present case, petitioner has already undergone 06 months and 01 day period inside jail and **other cases registered against him is/are as under:**

Sr. No.	Date of case (FIR No., dated, Section, Police Station, District	Status of Case (Trial pending or concluded or yet to commence)	Remarks (in jail, Undergone, Acquitted, on bail
1.	139, dated 12.07.2024, u/s 409, 420, 467, 468, 471, 120-B IPC, registered at Police Station Sector 17, Chandigarh	Production warrant received on 08.11.2024	Accused sent for peshi at Sirsa Court on 29.01.2025 from there he was sent to police remand vide order of JMIC, Sirsa (HR)
2.	280, dated 21.10.2024, u/s 34, 406, 420, 506 of IPC, registered at Police Station N.S.Chopta Sirsa (HR)	Production warrant received on 27.01.2025	Accused sent for peshi at Sirsa Court on 29.01.2025 from there he was sent to police remand vide order of JMIC Sirsa (HR)

3.2 Learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, submits that there are total 19 prosecution witnesses and by now, none has been examined. He also informs that one of the main accused i.e. Kushpal Singh has also been arrested and qua him, supplementary challan would be submitted very soon.

4. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

5. Consequently, prayer made in the present petition is **allowed**.

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bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

6. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

7. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 05, 2025
Sangeeta

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**