

**CRM-M-58464-2024****-2-**

submitted that the complainant transferred the different amount on different dates in the account of Bikramjit Singh as per their demand and gave Rs.1 lakh in cash to Rupinder Kaur. Thereafter, neither his money was returned by the accused persons nor his son was sent to Canada by them and a total amount of Rs.9,90,000/- was given to the accused persons. Thereafter, in order to return the money, the accused/petitioner issued two cheques bearing No.00001 drawn on HDFC Bank for a sum of Rs.8,90,000/- and another cheque bearing No.386819 drawn on IndusInd Bank for a sum of Rs.1 lakh but the same were dishonoured on presentation in the bank for encashment and thus, the instant case.

Learned counsel for the petitioner *inter alia* contends that he has been falsely implicated in the present case and on the same set of allegations, one of the co-accused has been exonerated by the Investigating Agency during the investigation and major portion of the amount as per the allegations of the complainant, was given to the co-accused. He further submits that the investigation of the case is complete and the petitioner is behind the bars since 02.09.2024. Maximum sentence under which the FIR was registered is punishable upto 07 years and triable by the Magistrate.

The learned State counsel assisted by learned counsel for the complainant has filed status report dated 03.01.2025 along with custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that there are serious and specific allegations against the petitioner and he has induced the complainant to pay Rs.10 lakh with a promise to send his son to Canada.

However, after receiving the amount, the son of the petitioner was neither sent



CRM-M-58464-2024

-3-

to Canada nor the money was returned and even the cheques given to the complainant by the petitioner were dishonoured.

A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 02.09.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 19 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the

**CRM-M-58464-2024****-4-**

accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Namneet Singh is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

09.01.2025*Neha*

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