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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-58904-2024
Date of decision:-20.05.2025

DHARMINDER KUMAR ALIAS BOBBY SHARMA
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Surinder Thakur, Advocate, for the petitioner.
Mr. K.D. Sachdeva, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioners under 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
101	01.05.2024	406, 420 IPC and Section 24 of the Immigration Act	Tanda, District Hoshiarpur, Punjab.

2. Arguments heard.
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. He contends that the allegations have been levelled against the petitioner alongwith Harry Bhullar, Shamsheer Bhullar and Manjit Singh by the complainant but the FIR has been registered only against the petitioner on account of conspiracy. The petitioner is suffering with a disability and has no concern with the allegations levelled in the FIR and has been in custody



since 30.09.2024. The petitioner had never issued the alleged cheque in favour of the mother of the complainant. After completion of investigation, challan has already been presented in Court, as such, no purpose would be served by detaining the petitioner any further in judicial custody. Hence prayed for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the Stte has opposed the bail petition on the ground that he had duped hard earned money of the complainant on the pretext of sending them abroad and thereafter issued a cheque amounting to ₹4 lakh in favour of the mother of Amandeep Singh, which however, on presentation was dishonoured. Hence prayed for dismissal of the bail petition.

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the allegations of having duped the complainant of his hard earned money on the pretext of sending them abroad but could not provide visa and did not return the amount. When the complainant demanded back ₹8,65,000/- from the petitioner, he evaded requests and later complainant discovered that the work permit from Harry Bhullar and Shamsheer Bhullar was fake, the complainant requested the petitioner to return money, on which, he issued a cheque amounting to ₹4 lakhs in favour of his mother, which however was dishonoured. Admittedly, the petitioner was arrested on 30.09.2024 and since then he is in custody. After completion of investigation, challan has already been presented in Court. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time in the case triable by the Court of Magistrate, as such, no purpose would be served by detaining petitioner in custody any longer.



6. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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 the evidence of the prosecution in any manner.
7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
8. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

20.05.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |