



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

254

CRM-M-60500-2024 (O&M)
Date of Decision:- 24.02.2025

BALWINDER SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. B.S. Saini, Advocate for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 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 later on)	Division No.4, District Patiala

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case without there being any concern with the allegations levelled in the FIR. He contends that there is an unexplained delay of more than 3 years in lodging of the FIR, as the alleged occurrence pertains to the year 2018, qua which complaint was made to the police in the year 2021 and thereafter the FIR was registered on 31.12.2023. He further contends that no recovery has been effected from the petitioner after his arrest on 12.10.2024. He submits that



similarly situated co-accused Naresh Kumar has already been granted the concession of bail by this Court vide order dated 10.01.2025 passed in CRM-M-43589-2024. He further submits that the petitioner is not having any criminal antecedents and after the completion of investigation, challan has been presented in Court and the conclusion of trial will take sufficient long time, thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the reply filed by the State has opposed the petition by arguing that the petitioner has committed fraud with the complainant. He has, however, not disputed the fact that no recovery has been effected from the petitioner and challan has already been presented in Court, wherein 23 witnesses have been cited by the prosecution and none has been examined till date.

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

5. 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, petitioner along with his father Jujhar Singh had come to the house of ex-sarpanch Dhyan 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 namely Kashmir Singh had paid the amount to the petitioner. 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 12.10.2024 and after the completion of investigation, challan has already been presented in Court, wherein 23 witnesses have been cited by the prosecution but none has been examined till date. 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.

6. 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.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

24.02.2025
S.Sharma(syr)

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