

(2010) 02 P&H CK 0350

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-2188 of 2010

Harminder Singh

APPELLANT

Vs

The State of Punjab

RESPONDENT

Date of Decision: Feb. 26, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 439
- Penal Code, 1860 (IPC) - Section 120B, 420

Hon'ble Judges: Gurdev Singh, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Gurdev Singh, J.

Heard.

2. The petitioner Harminder Singh has filed this petition u/s 439 of the Code of Criminal Procedure for the grant of regular bail in FIR No. 17 dated 12.3.2009 registered under Sections 420 and 120B IPC, at Police Station Budhlada, District Mansa.

3. This FIR was registered on the basis of a letter of one Gurmail Singh, who came up with the allegations that the petitioner and his wife Shinder Kaur are working as the travel agents and they gave him an offer of sending him to England for a sum of Rs. 6,55,000/- and that a sum of Rs. 10,000/- was paid in advance. For satisfying the petitioner the complainant took him to Mumbai and thereafter the balance amount of Rs. 6,45,000/- was given to him on 23.11.2005. Nothing happened for the next two years and one day he received some papers through post vide which he had been called upon to appear before Senior Sub Judge Ludhiana and thereafter he lodged the FIR.

4. This petition has been pressed by learned Counsel for the petitioner that the false FIR was got recorded and in fact the same is counter-blast to the civil suit filed by the complainant against the petitioner for the recovery of Rs. 10,000/- . No explanation, whatsoever, has been given in the FIR itself for the delay in lodging the same. The complainant has come out with the above said version after civil suit had been filed against him by the complainant. The case is based upon the documents.

5. The trial of the petitioner will take a long time.

6. Keeping in view all the facts and circumstances and without expressing anything on the merits of the case, the petition is allowed. Petitioner is admitted to bail, subject to the satisfaction of the trial Court/Duty Magistrate, Mansa.