



CRM-M-35091-2025

-1-

242 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-35091-2025

Date of Decision: 31.07.2025

Kapil Sharma @ Mohit Sharma @ Garry

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.S.S.Rana, Advocate and
 Mr.Arvind K. Sharma, Advocate, for the petitioner.

Ms. Simran Gorla, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)**CRM-28395-2025**

Prayer in the present application is for correction in the headnote of the petition as well as in the para No.18 of the petition.

Learned counsel for the applicant has submitted that inadvertently, in the headnote of the petition, 'second petition' has been mentioned in place of 'third petition' and in para No.18 of the petition, particulars of only second petition filed by the petitioner has been mentioned, whereas, first petition filed by him, is not mentioned. He, thus, prays that necessary corrections as mentioned in the application, be made.

Notice in the application.

Ms. Simran Gorla, AAG, Punjab, accepts notice on behalf of the State and pleads no objection, if the application is allowed.

After hearing learned counsel for the parties and for the reasons mentioned in the application, the same is allowed. In the headnote of the petition, 'second petition' be read as 'third petition' and in para No.18 of the petition, first petition filed by the petitioner be read as 'CRM-M-30693-2024, which was dismissed as withdrawn on 11.07.2024' and second



petition be read as 'CRM-M-47049-2024, which was dismissed as withdrawn on 25.09.2024'.

Registry is directed to carry out necessary corrections.

Main case

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail in case FIR No. 90 dated 19.08.2023, registered under Section 420 IPC and Section 13 of the Punjab Travel Professional (Regulation) Act, 2014 (Sections 419 and 201 IPC added lateron), at Police Station Majitha Road, Amritsar.

2. Succinctly facts of the case are that the FIR in the present case was registered on the statement of the complainant, namely, Jasbir Singh. It was alleged that on seeing the advertisement on Facebook of one Mohit Sharma, Travel Agent (petitioner), he contacted him. Mohit Sharma on the pretext of sending the complainant Canada on work visa, duped him for Rs.1,85,000/-. Neither he was provided with any work visa, nor his money was returned to him. Hence, it was prayed that legal action be taken against the accused. On the registration of the FIR, the investigation commenced. The petitioner was arrested on 25.08.2023. He approached the Court of learned Additional Sessions Judge, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioners vide order dated 18.03.2024. Thereafter, the petitioner approached this Court twice by way of filing CRM-M-30693-2024, which was dismissed as withdrawn on 11.07.2024 and CRM-M-47049-2024, which was dismissed as withdrawn on 25.09.2024. Hence, the petitioner has again approached this



Court praying for grant of regular bail by way of filing the present third petition.

3. It has been vehemently contended by learned counsel for the petitioners that the petitioner has been falsely implicated in the present case. He submits that the petitioner is behind bars since the date of his arrest i.e. 25.08.2023 and thus, has completed incarceration of about two years, however, the prosecution has not been able to conclude the trial. He submits that incarceration of the petitioner is intentionally prolonging by the prosecution and thus, his right of speedy trial has been defeated. It is submitted that though the petitioner is involved in other cases as well, however, in majority of the cases, he is on bail. He, thus, submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. She has submitted that the petitioner is a habitual offender, who is involved in 16 other cases. She submits that in the present case out of 14 prosecution witnesses, 04 witnesses have been examined. She has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner has been arrested in the present case on 25.08.2023 and since then he is behind bars. Out of total 14 prosecution witnesses, 04 witnesses have been examined. The custody certificate reflects that the petitioner has suffered incarceration of 01 year, 11 months & 01 day as on 30.07.2025. Though the petitioner is involved in 16 other cases,



however, in many of the cases, he is on bail.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

31.07.2025

sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No