

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-15133-2015
Date of decision:14.05.2015**

Darshan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.S.S.Sodhi, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.23 dated 17.3.2015 registered under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code at Police Station Sadar Mansa.

Notice to Advocate General, Punjab.

On the asking of Court, Mr. K.D.Sachdeva, Addl. A.G., Punjab, accepts notice.

At this stage, Mr. Jaspreet Singh, Advocate, accepts notice on behalf of the complainant.

Learned counsel for the petitioner submits that in the very nature of allegations levelled, it is a dispute of civil nature. Civil suit is also pending between the parties. Petitioner is inside the jail for the last about two months. Report under Section 173 Cr.P.C. has not yet been presented, because of which trial will take pretty long time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Amarjit Singh, Police Station Sadar Mansa, submits that civil

litigation apart, there are serious and direct allegations against the petitioner, because of which he is not entitled for bail pending trial.

Similarly, learned counsel for the complainant, while supporting the argument raised by the learned counsel for the State, submits that pendency of civil litigation alone will not absolve the petitioner from his criminal trial. Since the petitioner has committed the cognizable offence, he is not entitled for bail pending trial.

Having heard the learned counsel for the parties, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner is entitled for bail pending trial. It is so said because civil litigation is admittedly pending between the parties. So far as the case in hand is concerned, petitioner will face the trial. Since the challan is yet to be presented, trial is not likely to be concluded in the near future.

Without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

14.05.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE