

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

**Criminal Misc. No. M-17966 of 2015
Date of Decision: 28.07.2015**

Harnam Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. SPS Sidhu, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. N.S. Dandiwal, Advocate for the complainant.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 439 CrPC is for grant of regular bail to the petitioner namely Harnam Singh son of Shingara Singh in case FIR No.82 dated 19.6.2013 under Sections 419, 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Bagha Purana, District Moga.

Learned counsel for the petitioner while relying upon order dated 9.4.2015 passed in CRM-M-7891 of 2015 *Mohinder Pathani @ Lucky v. State of Punjab*, submits that the offence in the

present case is triable by a Magistrate and the petitioner is in custody since 23.3.2015.

On the other hand, learned counsel for the complainant submits that apart from the fact that the petitioner is facing PO proceedings, a huge amount is involved in the case.

Learned State counsel, on instructions from HC Chamkaur Singh, submits that as regards FIR No.44 dated 4.3.2015 under Sections 384/34 IPC, registered at Police Station Zira, District Ferozepur, cancellation report has already been submitted by the police. However, he submits that apart from the huge amount, the observation made by learned Sessions Judge in his order dated 17.4.2015, is required to be given weightage, wherein it has been observed that the petitioner along with some other accused are operating as a gang, which prepares forged and fabricated documents.

I have heard learned counsel for the parties.

No such document has been placed on record wherein the petitioner has been shown to be involved in any other case which may attract the observation of learned Sessions Judge that the petitioner is operating in a gang. Further, when the other co-accused namely Mohinder Pathani @ Lucky has been granted regular bail by this Court and the offence in the present case is triable by a Magistrate, the petitioner is entitled to be admitted to regular bail.

As far as PO proceedings which are pending against the

petitioner are concerned, the trial Court shall proceed independently without taking any weightage from the present order.

Consequently, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing of bail bonds/surety bonds to the satisfaction of CJM, Moga.

However, it is made clear that the observations made here-in-above shall not be construed any expression on the merit of the case and the trial Court shall decide the case on the basis of available evidence.

July 28, 2015
AK

(HARI PAL VERMA)
JUDGE