

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

**CRM-M-18284 of 2015
Date of Decision:3.6.2015**

Kuldeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.H.S.Sangha, Advocate,
for the petitioner.

Mr.Ankur Jain, AAG, Punjab.

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

RAJIV NARAIN RAINA, J.(Oral)

This is an application under Section 439 Cr.P.C. for grant of a regular bail in FIR No.132 dated 7.8.2014 registered under Sections 420, 465, 467, 468, 471 IPC at PS Civil Lines, Bathinda.

The petitioner is facing magisterial trial for cheating etc. The dispute was with respect to clearing of bank loan of ₹ 3.5 lacs where the petitioner was the borrower. The lender was Union Bank of India, Mall Road Branch, Bathinda. The loan was advanced towards housing. The petitioner had pledged a plot measuring 462 square yards as collateral for the bank to secure its loan. However, he went and sold 200 square yards from that plot of land to a third party and the remaining land to another third party and, therefore, he has been charged with cheating the bank. The FIR

has been registered on the complaint of the bank through its Branch Manager, Bathinda.

Learned State counsel submits that an amount of ₹ 2,87,000/- is outstanding against the petitioner. The petitioner has been in judicial custody since 6.4.2015. The trial will take time. It will serve no useful purpose to keep the petitioner languishing in jail on what, according to his learned counsel, is mostly a civil liability and payment of the disputed sums of money. The question is also open to be settled by acts of parties as the bank is largely interested in recovering its money, which is public money. There is sufficient merit in the submission of the learned counsel for the petitioner that having been lodged in jail for about 2 months, it will be sufficient as an interim arrangement to await the result of the trial by admitting the petitioner to bail.

For the foregoing reasons, this petition is allowed. It is directed that the petitioner be released on bail in terms of Section 439 Cr.P.C. Bail to the satisfaction of the CJM/Duty Magistrate, Bathinda.

Nothing said herein shall be construed to be an expression on the merits of the case.

3.6.2015

Paritosh Kumar

(RAJIV NARAIN RAINA)

JUDGE

