

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

**CRM-M No. 3412 of 2015.
Date of Decision : 20.03.2015.**

Kapil Jaiswal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Raman Goklaney, Advocate for the petitioner.

Mr. N.K. Chopra, Deputy Advocate General, Punjab.

Tejinder Singh Dhindsa, J. (Oral)

This order shall dispose of the instant petition filed under Section 439 Cr.P.C. seeking the benefit of regular bail to the petitioner in case FIR No. 20, dated 07.03.2014, under Sections 419, 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station City Fazilka, District Fazilka.

Counsel for the parties have been heard.

Allegations in nutshell are with regard to an agreement to sell having been entered into and an amount of ₹10 lacs as earnest money having exchanged hands and wherein, the present petitioner has impersonated in place of Neenu Rani.

It has gone uncontroverted that investigation in the present case is complete and the challan was presented on 05.06.2014. Thereafter trial has not proceeded further on account of an application having been filed under Section 319 Cr.P.C. for summoning Vinod Kumar Manchanda as additional accused. Even such application stands allowed vide order dated 16.01.2015 passed by the trial Court.

The trial as such is at the very initial stage. The petitioner

has been in custody since 09.03.2014. The offences are triable by the Court of Magistrate. Learned State counsel has opposed the prayer for bail by even contending that the petitioner is involved in another case i.e. FIR No. 65 dated 23.06.2014, under Sections 419, 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Fazilka.

In regard thereto, counsel for the petitioner has produced before this Court, copy of order dated 17.03.2015 passed by this Court in CRM-M No. 7605 of 2015, wherein, the petitioner has been admitted to bail.

In the totality of circumstances and without making any observation on merits and particularly keeping in view the length of incarceration that the petitioner has already suffered as an under trial, the petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate, Fazilka.

Disposed of.

March 20, 2015.
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(TEJINDER SINGH DHINDSA)
JUDGE