

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

209

**Criminal Misc. No.M-35568 of 2015(O&M)
Date of decision: October 29, 2015**

Jaswinder Singh

....Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. J.S. Bhandohal, Advocate for the petitioner.

Ms. Ritu Punj, Addl. A.G., Punjab.

Mr. Vishwajit Bedi, Advocate for the complainant.

DAYA CHAUDHARY, J. (Oral)

Crl. Misc. No.34290 of 2015

Allowed as prayed for.

Crl. Misc. No.M-35568 of 2015

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner, namely, Jaswinder Singh in case FIR No.304 dated 09.12.2014 registered under Section 406 of the Indian Penal Code at Police Station Samana, District Patiala during the pendency of the trial.

Learned counsel for the petitioner submits that the petitioner

has falsely been implicated in the case whereas it is a case of civil nature and the arbitration proceedings are pending before the Arbitrator. Learned counsel also submits that there was a clause in the agreement dated 30.10.2014 which is annexed as Annexure P-2 and a notice was issued to the petitioner on 26.02.2013 by the department which shows that it was to be decided by the arbitrator and the responsibility of defaulting party is to be fixed and recovery will have to be ordered. Learned counsel also submits that nothing is to be recovered from the petitioner and he is in custody since 30.05.2015. Learned counsel also submits that challan has been presented and charges have also been framed. The petitioner is not going to influence the witnesses as the complainant is the official witness and the trial may take long time to conclude.

Learned counsel for the respondent-State has filed custody certificate in the Court today and the same is taken on record. Learned State counsel has not disputed the custody period as well as the stage of the trial.

Without expressing any opinion on the merits of the case and keeping in view the offence which is triable by Magistrate as well as the stage of the trial and also the fact that the arbitration proceedings are pending and the petitioner is in custody since 30.05.2015, only charge has been framed and trial may take long time to conclude, the present petition is allowed and the petitioner, namely, Jaswinder Singh is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

October 29, 2015