

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

CRM No.M-3886 of 2015

Date of decision: 24.02.2015

Jagbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Rajesh K. Dadwal, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Sukhminder Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.47, dated 10.09.2014, registered under Sections 420, 465, 467, 468, 471, and 120-B of the Indian Penal Code (for short 'IPC'), at Police Station S.G.N.D Thermal Plant, Bathinda.

It is contended that the petitioner is only the attesting witness. The entire transaction took place in the state of Rajasthan but the complainant being an influential person got registered the present FIR in the state of Punjab. The agreement had already been reached wherein the petitioner paid Rs. 8 lacs to the complainant,

however, after receipt of the amount, the complainant backed out of the agreement. The petitioner lodged an FIR No. 762 dated 14.12.2014, registered under Sections 384, 420, 406 and 120-B IPC, (Annexure P-4) in the State of Rajasthan, wherein the complainant was arrested and has now been enlarged on regular bail. No recovery is to be effected from the petitioner and he is in custody since 16.12.2014.

On the other hand, the learned State counsel opposes the prayer and submits that the challan has been prepared but the same is yet to be filed before the competent court.

Keeping in view the fact that the petitioner is only an attesting witness; the complaint is also facing the trial on the complaint filed by the petitioner and the petitioner is in custody since 16.12.2014, therefore, no purpose would be achieved by keeping the petitioner in further incarceration, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail, on his furnishing bail/surety bonds to the satisfaction of the CJM/Illaq Magistrate, concerned.

24.02.2015

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(JITENDRA CHAUHAN)
JUDGE