

CRM-M-5396-2015 (O&M)

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

CRM-M-5396-2015 (O&M)

Date of Decision: February 26, 2015

Amit Sharma

.....Petitioner

Versus

Union Territory (Chandigarh)

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Anmol Rattan Sidhu, Sr.Advocate with
Mr.Suvir Sidhu, Advocate
for the petitioner.

Mr.J.S.Toor, Standing counsel
for U.T., Chandigarh.

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Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of regular bail to the petitioner, Amit Sharma, who has
been booked for having committed the offences punishable
under Sections 120-B, 420, 466, 467, 468 and 471, IPC, in a case
arising out of FIR No.212, dated 29.11.2014, registered at Police
Station, Sector 3, Chandigarh.

Learned senior counsel contends that the petitioner,
who is an Advocate, is behind the bars from 15.01.2015; all the

offences for which he has been booked are triable by learned Judicial Magistrate First Class; the petitioner is neither required nor involved in any other criminal case except the contempt case relating to this very incident and that the case is still at the stage of investigation and, as such, further incarceration of the petitioner is not of worth.

Learned counsel for the State on instructions from SI Surender Kumar of Police Station, Sector 3, Chandigarh, very fairly concedes that the petitioner had surrendered on 15.01.2015 and thereafter he is in judicial custody. He further fairly concedes that his custodial interrogation is no more required. However, he has opposed the grant of bail to the petitioner in view of the serious allegations against him.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

The main allegation against the petitioner is that he being a Lawyer wrote a letter to the Lawyer at Hoshiarpur informing him that the stay was granted by the High Court in a case pending trial at Hoshiarpur. He also sent an SMS to that effect and on the basis of the same the trial Court was misled.

Now the petitioner is behind the bars from 15.01.2015.

His custodial interrogation is no more required. All the offences are triable by the learned Judicial Magistrate First Class and, as such, the present petition is allowed. Petitioner-Amit Sharma son of Ravi Dutt Sharma, resident of House No.127/B, Sunny Enclave, Kharar, District Mohali, Punjab, is ordered to be released on bail during pendency of the trial of the present case subject to his furnishing bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the learned Area Judicial Magistrate/Duty Magistrate, Chandigarh.

February 26, 2015
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(NARESH KUMAR SANGHI)
JUDGE