

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

CRM No. M-5923 of 2015 (O&M)

Date of Decision: 07.07.2015.

Amarjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Naresh Parbhakar, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

Mr. H.S. Dhaliwal, Advocate for the complainant.

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TEJINDER SINGH DHINDSA.J.

This order shall dispose of the instant petition filed under Section 439 Cr.P.C. Praying for grant of regular bail to the petitioner pending trial in case FIR No.84, dated 28.10.2014, under Sections 420/465/467/468/471/120-B IPC registered at Police Station, Division No.6, Jalandhar.

Counsel for the parties have been heard.

Complainant in the present case is Harbans Singh Chandi and the allegations against the present petitioner, Amarjit Singh are with regard to having been induced to enter into a Memorandum of Understanding dated 05.10.2012 by stating himself to be the registered Contractor and Supplier to the Rail Coach Factory, Kapurthala and having a number of contracts allotted in his favour. Further allegations are that in pursuance to the MOU dated 05.10.2012 entered into between Amarjit Singh and the complainant as many as 250 trolleys were manufactured and supplied to the petitioner/accused and for which the financial obligations were never met.

During the course of arguments today, it has gone uncontroverted that investigation in the case having been completed, challan was presented and even charges have been framed on 20.05.2015.

Learned State counsel upon instructions from ASI Devi Chand has also apprised the Court that out of 15 prosecution witnesses having been cited, 2 have already been examined. It would be apposite to observe that since allegations are with regard to having forged documents pertaining to Rail Coach Factory, Kapurthala, two material prosecution witnesses cited were Sh. S.K. Sharma, Deputy Chief Vigilance Officer, RCF, Kapurthala and Sh. T.C. Jindal, SMM/M&P Department Manager, RCF, Kapurthala and these two witnesses have already been examined by the trial Court as PW1 and PW2 respectively.

The petitioner has been in custody since 29.10.2014. The offence cited against him are triable by the Court of Magistrate,

It is not the case made out on behalf of the State that if the concession of bail is granted to the petitioner, he would be in a position to hamper or influence the course of trial.

In the totality of circumstances and keeping in view the length of incarceration already suffered by the petitioner, this Court is of the considered view that the petitioner is entitled to the concession of bail.

Accordingly, petition is allowed. Petitioner, namely, Amarjit Singh be enlarged on bail subject to the satisfaction of trial Court/Duty Magistrate, Jalandhar.

Disposed of.

07.07.2015

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE