

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

**CRM-M No. 9032 of 2015 (O&M)
Date of Decision: 12.10.2015**

Sahil Gorwara

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. R.S. Rai, Sr. Advocate, assisted by
Mr. Prateek Pandit, Advocate
for the petitioner.

Mrs. Rimplejeet Kaur, AAG, Punjab
for the respondent/State alongwith HC Major Singh.

Mr. Karan Nehra, Advocate
for the complainant.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail on behalf of the petitioner/accused-Sahil Gorwara, in case FIR No. 295, dated 05.11.2014 for the offences punishable under Sections 406, 420 and 120-B of the Indian Penal Code, registered at Police Station City, District Kapurthala.

The petitioner alongwith his mother Daljit Singh is engaged in a business under the name and style of M/s. Arvind Talwar Machine Tools Pvt. Ltd. (i.e. private company). The complainant-Harinder Singh, is the cousin of mother-Daljit Kaur. He stood a guarantor for some loans raised by the company and executed equitable mortgage by submission of title deeds qua some properties. Subsequently, on account of the defaults of installments, the banks have raised a

demand on the guarantor as well, resulting into Harinder Singh-complainant filing the aforesaid FIR with the allegations that he was induced into furnishing guarantees by mis-representation. He further states that the property of the private firm/company has been sold in order to avoid the payment of outstanding loans and make the collateral securities operational.

Learned counsel for the petitioner submits that the petitioner is in custody since 19.12.2014 and after completion of the investigation, the evidence has commenced w.e.f. 18.03.2015. He further states that since concededly till today, only two witnesses out of nine witnesses have been examined, therefore, his client is entitled to the concession of bail in light of the provisions of the Section 437(6), Cr.P.C., which mandates the completion of the evidence within sixty days' of the date of commencement of the evidence in a trial before the learned Magistrate, failing which accused can be granted bail.

Learned Counsel for the complainant as well as State Counsel, on instructions from HC Major Singh, are unable to refute the above said factual position.

Without commenting on the merits of the case, keeping in view the custody period of the petitioner and the facts of the case as noticed above, this Court finds that petitioner/accused-Sahil Gorwara deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Kapurthala.

Disposed of.

October 12, 2015

'dk kamra'

(JASWANT SINGH)
JUDGE