

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-1760 of 2016

Date of Decision: 27.01.2016

Sukhdev Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Ashok Kumar Arora, Advocate
for the petitioner.

Mr. B.S.Sra, Additional Advocate General,
Punjab for the respondent.

Shekher Dhawan, J.

Present petition is second application under Section 439 Cr.P.C. for grant of regular bail to the petitioner, earlier having been dismissed by this Court vide order dated 6.10.2015.

Learned counsel for the petitioner submitted that FIR was registered on the statement of complainant Satpal Sharma. Allegations against the present petitioner and Mandeep Singh that complainant Satpal Sharma had purchased property from them and got registered the sale deed in the office of Sub Registrar, Amritsar vide sale deed dated 1.3.2012. The said property was pledged with the Punjab

National Bank, Branch Mewa Mandi, Amritsar. Part payment was made to the bank by complainant Satpal Sharma directly and "No Objection Certificate" was issued by the bank to him. One Gursharan Singh had taken a loan by pledging forged sale deed in the name of Sukhdev Singh and Mandeep Singh, who stood guarantors.

Learned counsel for the petitioner submitted that present petitioner had nothing to do with the allegations levelled in the FIR or with the sale deed dated 15.12.2003 pledged with the Oriental Bank of Commerce and he is innocent. He is in custody since 10.08.2015. Investigation of the case has already been completed and challan has been presented in the Court and trial of the case is still to take some more time to conclude. There is change of circumstances in the present case making out a case for release of the petitioner on regular bail.

Learned State counsel opposed the bail on the ground that earlier application, filed by the petitioner, has already been dismissed. Swaran Singh, father and Gursharan Singh, brother of the petitioner have not been arrested in this case and they are proclaimed offenders. So, present application be dismissed.

Having considered the submissions made by learned counsel for the parties and considering the fact that earlier bail application, filed by the present petitioner Sukhdev Singh, was dismissed, mainly on the ground that investigation of the case was still pending. Now investigation of the case has already been completed and final report under Section 173(2) Cr.P.C. has already been filed. Gursharan Singh had taken loan and present petitioner Sukhdev Singh

and Mandeep Singh had stood guarantors. Petitioner is in custody since 10.8.2015 and trial of the case is still pending. The offences levelled against the petitioner are triable by the Court of Magistrate and trial of the case is still to take some more time to conclude. So, no useful purpose will be served by keeping the petitioner in custody.

In view of above, present petition is accepted and petitioner-Sukhdev Singh is ordered to be released on bail on his furnishing appropriate bail bonds and surety bonds to the satisfaction of the Chief Judicial Magistrate, Amritsar.

(Shekher Dhawan)
Judge

January 27, 2016

"DK"