

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

CRM No. M-23169 of 2016

Date of decision:- August 11, 2016

Mangal Singh @ Baely

.....Petitioner..

Vs.

State of Punjab

....Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Manoj K. Sharma, Advocate,
for the petitioner.

Mr. B.S. Cheema, DAG, Punjab.

JASPAL SINGH, J.

Instant petition has been preferred under Section 439 of the Code of Criminal Procedure, preferred by Mangal Singh @ Baely, seeking bail in case FIR No. 233, dated 01.12.2015, under Sections 406, 420, 342, 120-B IPC, Police Station Division No.8, Jalandhar, District Jalandhar, during the pendency of trial.

2. The contention of learned counsel for the petitioner is that the petitioner has been falsely implicated in the instant case, who is otherwise innocent. Moreover, after the completion of investigation, challan has already been presented and the trial court is seized of the matter. The petitioner was arrested on 04.01.2016. Since then, he is suffering incarceration.

3. As far as pendency of other matters is concerned, learned counsel for the petitioner has submitted that in case bearing FIR No. 88, dated 02.06.2016, under Sections 406/420 IPC and Section 12 of the Passport Act, 1967, Police Station, Bhogpur, Jalandhar, he has not applied for bail, whereas in case FIR No. 125, dated 07.06.2007, under Sections 406/420 IPC, Police Station Model Town, Hoshiarpur, he has already been acquitted. There is no other case of similar nature either pending or disposed of against the petitioner.

4. Report by way of affidavit of Sh. Balwinder Iqbal Singh Kahlon, PPS, Assistant Commissioner of Police, North, Jalandhar has been filed by learned State counsel, which is taken on record. Learned State counsel has opposed the instant petition submitting that the petitioner is involved in some other cases of similar nature and has committed fraud and cheating not only with the complainant but also with different persons. As such, he does not deserve the concession of bail.

5. However, as far as the registration of other FIRs as well as the status of those cases is concerned that has not been disputed by learned State counsel.

6. This Court has given an anxious thought to the rival submissions made by learned counsel for the parties and has perused the record available.

7. Since, the petitioner is suffering incarceration from the date of his arrest i.e. 04.01.2016 and the investigation is complete and further that the trial court is already seized of the matter, this Court is of the considered view that no useful purpose would be served to keep him behind the bars for

an indefinite period, especially, in the circumstances that disposal of trial would certainly take some considerable time.

8. Taking into consideration all the aforesaid aspects of this case but without expressing any opinion on the merits of the case, petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of trial court/Duty Magistrate.

August 11, 2016
sonika

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reasonable: Yes/No