

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-23735 of 2017
Date of Decision: 18.07.2017

Pawan Kumar

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Jasneet Mehra, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.197 dated 06.07.2013 registered for offences punishable under Sections 419, 420, 465, 467, 468, 471 read with Section 120-B of Indian Penal Code (for short, "IPC") at Police Station Civil Lines Amritsar, District Amritsar City.

Heard.

Notice of motion.

On asking of the court, Mr. Ajay Pal Singh Gill, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

As per case of prosecution, the petitioner has identified Kamaljit Kaur, who impersonated as Tripta Devi at the time of executing power of attorney with regard to her property. Even the petitioner had impersonated as Rakesh Kumar while signing as attesting witness on power

of attorney executed by impersonator of Tripta Devi.

Learned counsel for the petitioner submits that co-accused Balwinder Singh and Harish Kumar have been allowed regular bail and pre-arrest bail vide orders dated 18.10.2016 and 16.11.2016 passed in CRM-M-34865-2016 and CRM-M-33130-2016, respectively.

The petitioner was arrested in this case on 02.03.2017 and is in custody since then.

It is submitted that police after investigation has presented the challan against the petitioner and proceeding to declare the co-accused as proclaimed offender are pending.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Pawan Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

July 18, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No