

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

**CRM-M-25495-2017 (O&M)
Date of decision: - 8.9.2017**

Chamkaur Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Mr. Jagjit Pal Singh Sarao, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J (ORAL)

Prayer in the present petition under Section 439 Cr. P.C. for grant of regular bail in case FIR No. 319 dated 3.10.2015 under Sections 419, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Tripuri, Patiala, District Patiala.

It is submitted on behalf of the petitioner that petitioner is in judicial lock up since 7.11.2015 and has already undergone more than 1 year 10 months of actual custody and the offences are triable by the Court of Magistrate.

It is further submitted on behalf of petitioner that one other co-accused-Krishan Kumar has already been granted concession of bail vide order dated 2.9.2016 in CRM-M-19186-2016, Krishan Kumar vs. State of Punjab and one other co-accused-Ram Jiwan has already been granted the concession of bail vide order dated 5.4.2017 passed by the Hon'ble Supreme Court in Criminal Appeal No. 633 of 2017 (arising out of SLP (Crl.) No. 38 of 2017), Ram Jiwan vs. State of Punjab and another. The said order dated 2.9.2016 is reproduced

below: -

“The petitioner seeks regular bail in case FIR No.319 dated 03.10.2015 registered under Sections 419, 420, 467, 468, 471, 120-B IPC at Police Station Tripri, District Patiala.

As per the prosecution version, the petitioner along with his co-accused has cheated the complainant party and induced them to part with huge amount of Rs.7 crore.

Learned counsel for the petitioner submits that the petitioner is in custody since 20.12.2015 and the investigation qua the petitioner has been concluded. He further submits that the matter is triable by the Judicial Magistrate.

Learned State counsel is not in a position to deny the said facts.

Be that as it may, keeping in view the period of custody already suffered by the petitioner and without going into the merits of the case, I do not deem it appropriate to deny him the concession of bail.

Bail to the satisfaction of the Trial Court/Duty Magistrate, Patiala.

Petition stands disposed of.”

It is further submitted on behalf of the petitioner that out of 22 prosecution witnesses cited in the challan till date not even a single witness has been examined and as such the disposal of the trial will take long time.

On the other hand, learned State counsel on instructions from ASI Balwant Singh submits that huge amount of ₹ 7 crore is involved in this case and the petitioner is also involved in another FIR No. 10 dated 29.1.2015 under Sections 302/342/203/34 IPC and Section 25 of the Arms Act, registered at Police Station Bakshiwala and has opposed the concession of bail. Custody certificate dated 7.9.2017 has been filed in Court today. The same is taken on record.

Without commenting upon the merits of the case and considering the fact that petitioner has already undergone 1 year 10 months of actual custody and his co-accused have been granted concession of bail, present petition is allowed. Petitioner is released on bail on furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate, Patiala.

However, it is made clear that petitioner shall not be released if the petitioner is found involved in another FIR till the order of granting bail to the petitioner is passed in the aforesaid FIR.

8.9.2017
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No