

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

CRL. MISC. No.M-30877 OF 2016
DATE OF DECISION : 18th JANUARY, 2017

Sukhwinder Singh @ Sukha Bhau

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. M. S. Saini, Advocate for the petitioner.

Mr. Neeraj Sharma, AAG, Punjab.

Mr. Sachin Mittal, Advocate for the complainant.

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A. B. CHAUDHARI, J.

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.38 dated 10.05.2016 registered under Sections 406, 420, 467, 468, 471 & 120-B IPC registered at Police Station Sardulgarh, District Mansa.

Heard learned counsel for the rival parties.

The petitioner is in custody for the last 8 months and 5 days as per the custody certificate filed by the learned State counsel. The offences are triable by the Magistrate.

I have perused the FIR and earlier order made by this Court on 15.07.2016 in CRM-M-21505-2016 vide which the petitioner had sought permission to withdraw the petition. Learned counsel for the petitioner has stated that thereafter the challan has been filed and request for grant of bail was made before this Court. Perusal of the FIR shows

that the allegations against the petitioner are that the complainants have given cash amount to the firm Krishna Enterprises Company formed by the petitioner and others. The further allegations are that the amount was paid in cash only. At this stage, in my opinion, since the trial will take its own time the petitioner cannot be detained in jail for long time, pending trial.

However, learned State counsel and counsel for the complainants opposed the petition on the ground that there are four other FIR pending against the petitioner. I have perused the statement as submitted by learned counsel for the petitioner. He invited my attention to the order in which it is stated that no such FIR is pending against the petitioner.

Be that as it may. As the FIR is triable by the Magistrate, it would be of no use to detain the petitioner in jail indefinitely. Hence, I make the following order:

ORDER

- (i) The CRL. MISC. No.M-30877 OF 2016 is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.

18th JANUARY, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned: Yes No

Whether Reportable: Yes No