

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

**CRM-M-38914-2017 (O&M)
Date of decision: - 25.10.2017**

Harvinder Singh @ Mohit Boparai @ Inderpal SinghPetitioner

versus

State of Punjab and anotherRespondents

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

Present: - Mr. Subhash Kumar, Advocate for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J (ORAL)

This is a petition under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 235 dated 5.10.2016 under Sections 406, 420, 120-B IPC along with Section 24 of Emigration Act, 1983, registered at Police Station Division No. 7, District Police Commissionerate, Jalandhar.

Learned counsel for the petitioner submits that as per the allegations in the FIR, complainant had paid the amount of ₹ 6.00 lacs in three installments to one Inderpal Singh @ Dinesh whereas there are no direct allegations against the petitioner- Harvinder Singh @ Mohit Boparai @ Inderpal Singh with regard to payment of the amount. He further submits that petitioner is in judicial lock up since 28.4.2016 and period of more than 1-1/2 years have passed.

It is further submitted that petitioner is involved in number of cases except in FIR No. 133 dated 4.6.2016, under Sections 406/420/120-B IPC, registered at Police Station Division No. 7, District Jalandhar, he has been released on furnishing personal bonds.

Learned counsel for the petitioner further submits the offences are triable by the Court of Magistrate and will take long time in conclusion of the trial.

On the other hand, learned State counsel, on instructions from H.C. Sohan Lal submits that petitioner in FIR No. 133 dated 4.6.2016 was arrested on 17.11.2016.

Without commenting upon merits of the case; considering the length of custody period and in view of the fact that petitioner has been granted bail in other FIRs except FIR No. 133 dated 4.6.2016, present petition is allowed. Petitioner is directed to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Illaq Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

25.10.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No