

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

CRM-M-41999-2017 (O&M)
Date of decision : 16.11.2017

Narinder Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Jagjit Singh, Advocate,
for the petitioner.

Ms. Anju Arora, Addl.A.G., Punjab,
assisted by ASI Rajvir Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.120 dated 06.07.2016, registered under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, at Police Station Division No.4, Ludhiana.

Contends that the petitioner is not the beneficiary. Co-accused Paramjit Lal, the bank official has been enlarged on bail by the Coordinate Bench of this Court vide order dated 08.09.2017. The petitioner is a mechanic and being uneducated, did not know the import of usage of his bank account which, in fact, was operated by co-accused Jitender Yogi, who has still not been arrested. The petitioner is in custody since 07.07.2016. Learned counsel further refers to zimini order dated 10.10.2017, to contend that the trial is not advancing as the complainant is not coming forward. Bailable warrants have been issued to Jasbir Singh, complainant and Kuljit Singh.

On the other hand, learned State counsel has opposed the

instant petition. On instructions, learned State counsel submits that more than Rupees twenty eight lakh of the complainant have been usurped by the petitioner and his co-accused.

Heard.

The petitioner is in custody since 07.07.2016. The absence of the complainant before the trial Court has created uncertainty with regard to conclusion of the trial.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

16.11.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No