

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

CRM No.M-8902 of 2017 (O&M)

Date of Decision: March 16, 2017

Nirvair Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Abhinav Jain, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing the order dated 18.01.2017 passed by learned Addl. Chief Judicial Magistrate, Ferozepur and order dated 16.02.2017 passed by learned Addl. Sessions Judge, Ferozepur, being illegal, arbitrary and unsustainable under law.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that an application was filed for grant of bail under Section 437(6) Cr.P.C. by the petitioner Nirvair Singh. Learned Magistrate held that the allegations against the applicant-accused are that on 11.05.2013, he and other co-accused executed an illegal/forged agreement thereby inducing the complainant to deliver a sum of ₹90 lakhs on the pretext of selling a plot to him but no plot was sold to the complainant nor

his money was returned. There is also allegation against the petitioner that

he impersonated himself as Satwinder Singh at the time of execution of the said forged and illegal agreement.

Learned ACJM, Ferozepur, in view of the gravity of the offence that huge amount of ₹90 lakhs is involved and the offence alleged are economic offences and the accused-applicant, committed serious offence of cheating by impersonating, dismissed the application. Then revision was filed before the Court of Session and learned Addl. Sessions Judge, Ferozepur, while discussing the provision of Section 437(6) Cr.P.C. and also citing the law point, dismissed the revision petition.

The perusal of the record shows that learned revisional Court has relied upon the law laid down by this Court and reasonings have been given for not granting the bail under Section 437(6) Cr.P.C. Learned Addl. Sessions Judge, Ferozepur, also discussed that co-accused have sought personal exemption on so many dates, therefore, the evidence could not be completed. Otherwise also, the Magistrate has discretion and he can dismiss the bail application by giving reasonings and reasonings have been given by both the Courts below for declining the application.

In view of the above discussion, I find that orders passed by both the Courts below are correct, as per law and do not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

March 16, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No