

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11588-2018
Date of decision: 02.07.2018

Jang Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.S. Dhaliwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.191 dated 03.07.2017 under Sections 419, 420, 467, 468, 471, 120-B IPC, registered at Police Station City, District Barnala.

Learned counsel for the petitioner submits that as per allegations in the FIR, the petitioner stood surety for one Shingara Singh, who posed himself as Yowanjit Singh and obtained loan from the Corporation Bank. It is further submitted that the petitioner is not beneficiary in the case and some amount has already been deposited with the Bank. Counsel for the petitioner further submits that one co-accused Nirbhai Singh has been granted the concession of regular bail vide order dated 10.05.2018 passed in CRM-M-18510-2018 and similarly situated co-accused Pritam Singh, Joginder Singh and Jagtar Singh have also been granted the concession of bail.

Learned counsel for the petitioner has relied upon the aforesaid order dated 10.05.2018 to submit that the entire loan amount has been repaid by the borrower/co-accused Parveen Kumar, as it was noticed in the order dated 16.04.2018 passed by the Additional Sessions Judge, Barnala, while granting bail to said Parveen Kumar that the entire amount has been deposited with the bank. It is further submitted that the petitioner is an old man aged 60 years and he is in judicial custody since 22.12.2017. Counsel for the petitioner has further submitted that the investigation is complete, challan has been presented and there are 33 prosecution witnesses, as per the challan and it will take long time in conclusion of the trial, as it is triable by the Court of Magistrate.

Reply by way of affidavit of Senior Superintendent of Police, Barnala has already been filed in pursuance to the order dated 26.03.2018 with regard to the investigation conducted by the police, about role of the bank. As per this affidavit, the petitioner is found involved in three other FIRs. Learned State counsel, on instructions from ASI Gurcharan Singh, has thus opposed the prayer for bail.

In reply, learned counsel for the petitioner has submitted that one FIR i.e. FIR No.190 dated 03.07.2017 is relating to the same incident as of the present FIR No.191 and this FIR was got registered by the Bank. It is further submitted that the petitioner has been acquitted by the Chief Judicial Magistrate, Barnala in FIR No.113 dated 21.05.2005, vide judgment dated 04.10.2010 and his sentence has been suspended in FIR No.293 dated 05.12.2009.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial custody since 22.12.2017; there are 33

prosecution witnesses, as per the challan and the trial is yet to commence; he is no more required for further investigation and also in view of the fact that the petitioner has been acquitted in FIR No.113; he is on bail in another FIR No.293 and loan amount has been deposited with the Bank, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

02.07.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No