

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

CRM-M-13852-2018 (O&M)

Date of decision:17.4.2018

Tarun Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. H.P.S. Ghuman, Advocate
for the petitioner.

Mr. Harbir Singh Sandhu, AAG, Punjab.

MAHABIR SINGH SINDHU, J. (ORAL)

CRM-12197-2018

Instant application under Section 482 of the Criminal Procedure Code ('Cr.P.C.' - for short) has been filed by the applicant/petitioner for waiving off the condition of listing the matter after ten days and listing the matter on 6.4.2018.

Learned counsel for the petitioner submits that present application has been rendered infructuous and it be disposed off as such.

Ordered accordingly.

Main Case

This petition has been filed by the petitioner under Section

439 of the Criminal Procedure Code ('Cr.P.C.' - for short) for grant of regular bail in FIR No.23 dated 26.1.2017 under Sections 406, 420 of the Indian Penal Code ('IPC' - for short) registered at Police Station City Kharar, SAS Nagar, Mohali.

It is contended by learned counsel for the petitioner that the petitioner is in custody since 16.1.2018 and report under Section 173 of the Criminal Procedure Code ('Cr.P.C.' - for short) has been submitted on 15.3.2018 and even charges were framed on 11.4.2018; and out of seven prosecution witnesses, none has been examined till date. Even complaint under Section 138 of the Negotiable Instruments Act, 1881 ('Act' – for short) on account of dishonour of cheque for an amount of ₹23 lacs has also been filed by the complainant (P-1) and the petitioner is duly appearing in that case.

On the other hand learned State counsel on instructions from ASI Avtar Singh has opposed the bail application.

Heard both sides.

There is no dispute that the petitioner is in custody since 16.1.2018 and charges were framed on 11.4.2018 and on account of dishonour of cheque, the complainant has already taken recourse to the remedy available under Section 138 of the Act. The complaint under Section 138 of the Act is still pending, in which the petitioner is regularly appearing.

The conclusion of trial is likely to take a long time, hence no useful purpose would be served by keeping the petitioner behind the bars any more. Therefore, in view of the abovesaid circumstances, without

expressing any opinion on the merits of the case, this petition is accepted.
Petitioner-Tarun Kumar be admitted to bail on his furnishing bail bonds
and surety bonds to the satisfaction of the learned trial Court/Duty
Magistrate.

17.4.2018
Gaurav Sorot

(MAHABIR SINGH SINDHU)
JUDGE

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| 1. | Whether reportable? | Yes |
| 2. | Whether reasoned / speaking? | Yes |