

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

CRM-M No.17233 of 2018

Date of decision : 30.11.2018

Manjit Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Sarju Puri, Advocate for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Manjit Singh has approached this Court by way of filing the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.78 dated 14.06.2017 under Sections 420, 465, 468, 471 of the Indian Penal Code, 1860, registered at Police Station – Bullowal, Distt. Hoshiarpur, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case on the basis of false allegations. The only allegation against the petitioner is that he applied for release of his passport as his passport was in custody of the police in a case where the petitioner has been convicted. However, learned counsel for the petitioner submits that the appeal is pending and sentence has been suspended. The

signature on said application was not found tallied with the signatures of the petitioner. The petitioner has not used any fake document and nothing has been recovered from him. The offence is triable by Magistrate and the petitioner has undergone custody of more than 9 months. Even single prosecution witness has not been examined so far.

Learned State counsel has not disputed the period of custody undergone by the petitioner as well as the fact of not matching the signatures of the petitioner with the signatures on the alleged passport.

Without commenting anything on the merits of the case as the allegations are matter of evidence which shall be tested by the trial Court during the course of trial and by considering the period of custody undergone by the petitioner, which is approximately 9 months and also the fact that even a single prosecution witness has not been examined so far, no purpose would be served by keeping the petitioner in custody. Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

30.11.2018*sunil yadav***(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No