

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

**CRM-M No.18510 of 2018
Decided on: 10.05.2018**

Nirbhai Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Manpreet Ghuman, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.191 dated 03.07.2017, for offence punishable under Sections 419, 420, 467, 468, 471 and 120-B of the Indian Penal Code (in short 'IPC') registered at Police Station City Barnala, District Barnala.

Counsel for the petitioner has submitted that the petitioner is in judicial custody since 10.10.2017 and as per the allegation in the FIR, the petitioner is working as Computer Operator at Farad Sewa Kender, Dhanaula and has issued the copies of the revenue record as it is, which were available in the computerized record. It is further submitted that the challan has been presented, charges have been framed and there are 33 prosecution witnesses nominated in the report under Section 173 Cr.P.C. and it will take some time in conclusion of the trial, which is triable by the Court of Magistrate. It is also submitted that one of the co-accused of the petitioner namely Joginder Singh, has

already been granted the concession of bail by this Court vide order dated 30.01.2018 passed in CRM-M No.47967 of 2017.

Counsel for the State has filed the Custody Certificate dated 10.05.2018 today in the Court and has not disputed the actual sentence undergone by the petitioner, however, it is submitted that the petitioner is involved in one more case i.e. FIR No.190 dated 03.07.2017 registered under Sections 419, 420, 467, 468, 471 and 120-B IPC at Police Station City Barnala, District Barnala, of similar nature.

In reply, counsel for the petitioner has submitted that in the said case, the borrower of the Bank/co-accused namely Parveen Kumar has already cleared the entire amount of loan with the Bank and has placed on record the photocopy of the order dated 16.04.2018 passed by the Additional Sessions Judge, Barnala, granting bail in view of the fact that the entire amount has been deposited with the Bank.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial custody since 10.10.2017; challan has been presented; the petitioner is no more required for any further investigation and one of the co-accused of the petitioner has already been granted the concession of bail; the offences are triable by the Court of Magistrate and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is ordered to be released on bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it is made clear that in case the petitioner found involved in any other case or misusing the concession of bail, in any manner, then it will be open for the prosecution to apply for

cancellation of bail.

(ARVIND SINGH SANGWAN)
JUDGE

10.05.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No