

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-20798 of 2018

DATE OF DECISION:02.08.2018

Sunder Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. HS Brar, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Haryana.

DAYA CHAUDHARY, J.

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Sunder Singh in case FIR No. 0326 dated 21.8.2017 registered under Sections 420,467,468,471,120-B IPC at Police Station Sector-5, District Panchkula.

Earlier petition was dismissed as withdrawn on 9.5.2018 as certain offences were added later on and nothing was said on merits.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the case, whereas, he was not involved in any manner. Learned counsel further contends that it is only the petitioner who has been cheated as not only the amount was deposited by the petitioner in the account of the complainant but it was paid in cash as well. The allegations against the petitioner are false as the complainant is a businessman and there was no occasion to provide him job. The petitioner is in custody since 29.1.2018 and even a single witness has not been examined so far. The offence is triable by Magistrate and no purpose would

be served by keeping the petitioner behind the bars. Learned counsel also contends that the petitioner is ready to abide by all the terms and conditions to be imposed by this Court or by the trial Court and undertakes to appear before the trial Court regularly.

Learned counsel for respondent-State has opposed the submissions made by learned counsel for the petitioner on the ground that specific allegations are there and it cannot be said that the petitioner has been cheated. Challan was presented on 23.4.2018 but even a single witness has not been examined. The statement of the complainant is necessary to be examined as in case the petitioner is released on bail, he may influence him.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the file.

By considering that the petitioner is in custody since 29.1.2018 as well as the facts that offence is triable by Magistrate; even a single witness has not been examined; trial may take long time to conclude and no purpose would be served by keeping the petitioner behind the bars, the present petition is allowed. Petitioner-Sunder Singh is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

August 02, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No