

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

CRM-M No.26179 of 2018

Date of decision : 18.08.2018

Sarwan Kumar alias Sarvan Kumar Chaudhary

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Mr. C. L. Pawar, Senior DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.132 dated 28.04.2018 under Sections 269, 420, 467, 468, 471 and 120-B IPC registered at Police Station City Division No.5, Ludhiana, Distt. Ludhiana.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not involved. The FIR was registered on the basis of secret information and as per the allegations in the FIR, the petitioner has been shown to have opened a laboratory under the name and style M/s Choudhary Diagnostic Nankana Complex and he was issuing medical reports to the persons who were interested in going abroad. Learned counsel further submits that

investigation has been completed and challan has been presented in the Court. The offence is triable by Magistrate. In other FIR of similar nature, cancellation report has been filed by the police. Learned counsel also submits that the petitioner is in custody since 30.04.2018 and no useful purpose would be served by keeping him in custody any further.

Learned State counsel has not disputed the custody period undergone by the petitioner as well as filing of cancellation report in the other case of similar nature.

Keeping in view the submissions made by learned counsel for the petitioner, the custody period undergone by the petitioner which is more than three and half months and also the fact that nothing is to be recovered from him as challan has already been presented, offence is triable by Magistrate and cancellation report has been filed in other case of similar nature, this petition is allowed. Petitioner Sarwan Kumar alias Sarvan Kumar Chaudhary is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of trial Court.

18.08.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No