

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

**CRM-M No.26693 of 2018
Decided on: 30.07.2018**

Baljinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Karan Garg, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.7 dated 18.01.2018, for offence punishable under Sections 420, 465, 467, 468, 471 of the Indian Penal Code (in short 'IPC'), registered at Police Station Division No.2, District Jalandhar.

Counsel for the petitioner has submitted that the petitioner was working as a Manager in Cargo Motors, which deals in sale of TATA cars. It is further submitted that as per the allegation in the FIR, the complainant alleges that when he had earlier purchased a vehicle from Cargo Motors, the same was found to be defective and when he approached the petitioner, he stated that he should change the vehicle and the vehicle, which was offered again to the complainant was, in fact, not a new vehicle as it was already financed in the name of one Aakash Gupta. It is further submitted that the petitioner is in custody

for the last 03 months and 15 days and he is not involved in any other case. It is also submitted that the offences are triable by the Court of Magistrate and it will take some time in conclusion of the trial and the petitioner is not required for any further investigation.

Counsel for the State, on instructions from ASI Narinder Singh, has submitted that challan has already been presented and charges are yet to be framed.

Without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last 03 months and 15 days; charges are yet to be framed; offences are triable by the Court of Magistrate and also in view of the fact that the petitioner is not involved in any other case, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

30.07.2018
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(ARVIND SINGH SANGWAN)
JUDGE

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