

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

**CRM-M No.30099 of 2018 (O&M)
Decided on: 26.07.2018**

Palwinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Piyush Kant Jain, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.25 dated 06.03.2017, for offence punishable under Sections 406 and 420 of the Indian Penal Code (in short 'IPC'), registered at Police Station Sadar Raikot, District Ludhiana (Rural).

Counsel for the petitioner has submitted that the petitioner was not named in the complaint given to the police, but his name surfaced in the FIR, however, there is no allegation with regard to entrustment of any money. It is further submitted that after the complaint was lodged during the enquiry, the police has also found one co-accused – Shivraj Bilasi as an accused and he has already been granted the concession of interim anticipatory bail vide order dated 28.07.2017 passed in CRM-M No.27029 of 2016 and thereafter, the said order was confirmed on 27.04.2018. It is also submitted that vide order dated 27.04.2018, similarly situated the anticipatory bail granted

to the co-accused of the petitioner namely Manpreet Kaur Malhi as well as Khushpreet Kaur and another has also been confirmed.

Counsel for the petitioner has further submitted that the petitioner is in judicial custody since 14.01.2018 and the offences are triable by the Court of Magistrate, the challan has been presented and conclusion of the trial will take some time as charges are yet to be framed.

Counsel for the State has filed the Custody Certificate today in the Court and has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial custody since 14.01.2018; the report under Section 173 Cr.P.C. has already been presented; the co-accused of the petitioner have already been granted the concession of bail; the offences are triable by the Court of Magistrate and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is ordered 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.

26.07.2018
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(ARVIND SINGH SANGWAN)
JUDGE

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