

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32222-2017

Date of decision: 19.01.2018

Harbinder Singh @ Mohit Boparai

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Subhash Kumar, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.133 dated 04.06.2016 under Sections 406, 420, 120 IPC, registered at Police Station Division No.7, District Police Commissionerate Jalandhar.

Learned counsel for the petitioner submits that the offences are triable by the Court of Magistrate. Counsel for the petitioner further submits that the petitioner has undergone 01 year and 05 months of actual sentence and the case is still at the stage of recording the prosecution evidence.

Learned State counsel has filed the custody certificate dated 18.01.2018 and has opposed the prayer for bail on the ground that the petitioner is involved in number of such or similar cases, including the case under Section 138 of Negotiable Instruments Act. However, perusal of custody certificate shows that the petitioner is on bail in all the other cases referred to in this

custody certificate.

Without commenting on merits of the case, considering the fact that the petitioner has undergone 01 year and 05 months of actual sentence; offences are triable by the Court of Magistrate; case is still at the stage of recording the prosecution evidence; petitioner is on bail in other cases, this petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

19.01.2018

vishnu

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No