

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

**CRM-M-42603-2018
Date of decision: 14.12.2018**

Gurjant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. S. Bhinder, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 191 dated 03.07.2017, registered under Sections 420, 419, 467, 468, 471 and 120-B of the IPC at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner submits that petitioner is in judicial custody since 06.10.2017 and challan has already been presented. Learned counsel for the petitioner relies upon order dated 06.08.2018, passed by this Court in CRM-M-32144-2018, granting regular bail to co-accused Sri Ram. The operative part of the order reads as under:

“Learned counsel for the petitioners submits that while granting regular bail to co-accused Sunil Kumar @ Shina in CRM-M-31408-2018, this Court has passed following order on 01.08.2018:

“This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 191 dated 03.07.2017, registered under Sections 419, 420, 467, 468, 471 and 120-B of the IPC at Police Station City Barnala, District Barnala. Learned counsel for the petitioner

submits that as per the version given by the complainant, he has not obtained any loan or any credit limit against his property and has sought investigation of the case that accused persons have taken loan from the bank in his name. Learned counsel for the petitioner further submits that during the course of investigation, it has come out that the petitioner is one of the persons who has introduced the main accused to the bank for obtaining loan. It is further submitted that the petitioner is not a beneficiary in any manner and the said amount has already been deposited with the bank by co-accused Parveen Kumar. It is further submitted that one of the co-accused, namely Nirbhai Singh, has already been granted regular bail vide order dated 10.05.2018 passed in CRM-M-18510-2018 and another co-accused namely Pritam Singh has also been granted concession of regular bail vide order dated 07.02.2018 passed by the Additional Sessions Judge. It is also stated that another co-accused Jang Singh has also been granted regular bail vide order dated 02.07.2018 passed by this Court in CRM-M-11588-2018. Learned counsel for the petitioner further submits that the petitioner is in judicial custody since 13.10.2017; challan has been presented; the offences are triable by the Court of a Magistrate and the conclusion of the trial is likely to take some time. Learned State counsel, on instructions from ASI Surender Pal Singh, has filed custody certificate of the petitioner. As per the custody certificate, the petitioner is in judicial custody for the last more than 09 months and in two other FIRs, he is on bail and he is also facing trial in three other cases under Section 138 of the Negotiable Instruments Act. I have heard learned counsel for the parties. Without commenting upon the merits of the case, considering the fact that while granting regular bail to coaccused Jang Singh, it has been noticed by this Court that entire loan amount has already been deposited with the bank by co-accused Parveen Kumara and also in view of the fact that co-accused of the petitioner have already been granted bail and the petitioner is in judicial custody for last more than 09 months; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.”

Learned counsel for the petitioner further submits that the allegations against the petitioner are that he has prepared documents from his computer which were found to be forged documents and the petitioner is not a beneficiary. Learned State counsel, on instructions from ASI Sukhwinder Singh, submits that in the disclosure statement, the petitioner has admitted that he has prepared those documents from his computer, however, the Hard Disk was destroyed and could not be recovered

and Section 201 IPC was added later on. I have heard learned counsel for the parties. Without commenting upon the merits of the case, considering the facts that petitioner is in judicial custody since 13.10.2017; challan has been presented and also in view of the fact that co-accused of the petitioner have already been granted regular bail; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.”

Learned counsel for the petitioner further submits that allegations against the petitioner are that he was helping the main accused in preparing the document which were found to be forged and petitioner is not the beneficiary.

Learned State counsel, on instructions from ASI Satwinder Pal Singh, has submitted that challan has already been presented and departmental inquiry is pending regarding the role of the bank officials.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions made by learned counsel for the petitioner; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

December 14, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No