

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-42921 of 2018

DATE OF DECISION:17.11.2018

Sunil Kumar @ Shina

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Ms. Manpreet Ghuman, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

DAYA CHAUDHARY, J.

Petitioner-Sunil Kumar @ Shina has approached this Court by way of filing present petition under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No. 190 dated 3.7.2017 registered under Sections 419,420,467,468,471,120-B IPC at Police Station Barnala, District Barnala.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, he was not involved. As per allegations levelled in the FIR, the present petitioner is only the introducer for opening of the bank account and is not the beneficiary. The petitioner has not played any role and no loss has been caused to the department. Nothing is to be recovered from the petitioner and he is in custody since 24.10.2017. The petitioner is not having any criminal background as only one case under Section 420 IPC is there against the

petitioner, wherein, he is on bail. Learned counsel also contends that co-accused, namely, Jang Singh, Nirbhai Singh, Jobanjot Singh, Parveen Kumar, Pritam Singh and Jagtar Singh have been released on regular bail by this Court as well as by the trial Court. There are total 47 prosecution witnesses and only three have been examined. The trial may take long time to conclude and no purpose would be served by keeping him behind the bars.

Learned counsel for respondent-State has not disputed the custody period, stage of the trial and the fact that co-accused have been released on regular bail.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contends of the FIR and other documents available on the file.

Keeping in view the submissions made by learned counsel for the parties and the facts that the petitioner is in custody since 24.10.2017; out of total 47 prosecution witnesses, only three have been examined; co-accused, namely, Jang Singh, Nirbhai Singh, Jobanjot Singh, Parveen Kumar, Pritam Singh and Jagtar Singh have been released on regular bail and that the petitioner is not the beneficiary, the present petition is allowed. Petitioner-Sunil Kumar @ Shina is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

November 17, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes