

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44856-2018 (O&M)

Date of decision:16.10.2018

Kulwant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Naresh Jain, Advocate, for the petitioner.

Mr. Rajat Bansal, AAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No. 90 dated 11.06.2018 under Sections 408, 420, 467, 468, 471, 473, 474, 120-B of IPC, registered at Police Station City, Sri Muktsar Sahib.

Learned counsel for the petitioner contends that there is no evidence against the petitioner. The reliance of the prosecution in this case is only on some copies of Form No.M-45-A, allegedly taken from the record of the Excise Department, showing that some amount of Special Development Fees were deposited on behalf of the Liquors Vendor Contractor, whereas, such amounts, in fact, were not deposited with the Government Treasury. Counsel further contends that the copy of the excise challan in Form No. M-45-A, does not have either the signatures of the petitioner or his hand writing. It is further contended that neither the complainant has been able to show any document regarding the money having been received by the petitioner nor the police have collected any evidence to show that it was the petitioner, who had submitted the alleged forged excise challan in the office of the Excise Department. The petitioner

is in custody since 12.06.2018 and the co-accused of the petitioner has been granted regular bail by this Court. It is further contended that investigation of the case is complete. The petitioner is not required for any further investigation purposes.

On the other hand, learned State counsel, being instructed by ASI Jasvir Singh, does not dispute the custody of the petitioner. It is also not disputed that challan in this case has already been filed and the petitioner is not required for any investigation by the police.

In view of the above, but without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

16.10.2018

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No