

CRM-M-49416-2017 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49416-2017 (O&M)

Date of Decision: 21st February, 2018

Major Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Joban Singh, Advocate for the petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

Mr. Deepak Sharma, Advocate for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM-2805-2018

Application is allowed, subject to all just exceptions.

CRM-M-49416-2017

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.174, dated 16.11.2017, registered at Police Station Morinda, District Ropar, under Sections 420 and 120-B of the Indian Penal Code.

It is the contention of the learned counsel for the petitioner that the petitioner is not named in the FIR but subsequently, it has now been asserted by the prosecution that the petitioner connived with Surmukh Singh to commit the offence of cheating. He contends that the petitioner has been

involved in the case for that purpose only and there is no allegation that petitioner is the ultimately beneficiary in any manner. He submits that the petitioner is in custody since 18.11.2017 and the trial is not likely to conclude in near future. He further submits that the co-accused of the petitioner namely Kulwinder Kaur and Surmukh Singh have been granted the concession of bail by this Court vide order dated 14.02.2018. He contends that when the main accused has been granted the concession of bail, petitioner be also granted the said concession.

Counsel for the State as also counsel for the complainant have asserted that had it been not the active connivance of the petitioner, Surmukh Singh would not have been able to cheat the complainant. They contend that the petitioner be not granted the concession of bail.

Having considered the submissions made by the counsel for the parties and keeping in view the facts that the petitioner has only facilitated in commission of offence, he is in custody since 18.11.2017 and the trial is not likely to conclude in near future and the co-accused having been granted the concession of bail by this Court, the present petition is allowed without expressing any opinion on the merits of the case. The petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Illaqa Magistrate/Chief Judicial Magistrate, concerned.

(AUGUSTINE GEORGE MASIH)
JUDGE

21st February, 2018
Harish

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