

CRM-M-8854-2018

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

CRM-M-8854-2018

Date of Decision: 19th April, 2018

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. D.K. Bhatti, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

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.250, dated 13.11.2017, registered at Police Station Division No.7, District Police Commissionerate Jalandhar, under Section 420 of the Indian Penal Code (hereinafter referred to as 'IPC'), Section 24 of Immigration Act, Section 12 of Passport Act and Section 13 of the Punjab Travel Professional Regulation Act, 2014.

It is the contention of the learned counsel for the petitioner that the petitioner was arrested on 14.11.2017 and is in custody since then. He contends that after presentation of challan, charges have been framed but till

date, no prosecution witness has been examined. His submission is that the case is triable by a Magistrate, which is not likely to conclude soon as there are total eight prosecution witnesses with none having been examined. Counsel for the petitioner states that co-accused of the petitioner has been granted bail by this Court on 18.01.2018. He, therefore, prays for grant of regular bail to the petitioner during the pendency of trial.

Counsel for the State, on instructions from H.C. Kulwinder Singh, P.S. Division No.7, District Jalandhar, could not dispute the assertions as have been made by the counsel for the petitioner, however, he states that the petitioner has been involved in the commission of offence and more than one person were duped by the petitioner along with co-accused by making false representations and by taking money without giving effect to the promise which was given. He prays that the present petition may be dismissed.

I have considered the submissions made by the counsel for the parties and have gone through the records of the case.

As per the allegations against the petitioner, the offence for which he has been charge-sheeted is triable by a Magistrate. The petitioner is in custody since 14.11.2017 and till date, no witness has been examined. The trial is not likely to conclude soon and the continuation of the petitioner in custody would not, in any manner, serve any useful purpose. The co-accused of the petitioner already stands granted the concession of regular bail.

In view of the above, the present petition is allowed and the

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petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

19th April, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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