

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

CRM-M No.25223 of 2017 (O&M)

Decided on: 12.03.2019

Navjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Kanwalji Singh, Sr. Advocate
with Ms. Payal, Advocate
and Mr. Vinod S. Bhardwaj, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Amit Gupta, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.41 dated 06.03.2017, for offence punishable under Sections 406 and 420 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Phase-I, Mohali.

Learned Senior counsel for the petitioner has submitted that the petitioner is in custody since 23.02.2017, the challan was presented before the trial Court on 18.06.2017 and thereafter, charges were framed against the accused on 09.01.2018 and the prosecution evidence was started on 23.01.2018. It is further stated that though the petitioner is involved in number of other case, however, he has shown

his bona fide and during the pendency, when he was in custody, he had effected compromise with 62 similar situated persons and has even, effected registered sale deed in favour of 17 persons.

Counsel for the State, on instructions from SI Sulekh Chand, has not disputed the factual position and submits that the proceedings in this case has been stayed by this Court in CRM-M No.11644 of 2018 vide order dated 20.03.2018.

Counsel for the complainant, on the other hand, has however, submitted that the complainant as well as the similar situated other persons have registered other cases against the petitioner and they have also filed complaints against the petitioner before the Consumer Court. However, counsel for the complainant could not dispute that the petitioner has shown his bona fide and he has effected the compromise with 62 persons and has also effected the sale deed in favour of 17 persons.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 23.02.2017; he has entered into a compromise in the petition i.e. CRM-M No.11644 of 2018; the trial is not likely to be concluded in the near future as the offences are triable by the Court of Magistrate and the trial is yet at the stage of recording the evidence of the prosecution, this petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of the bail of the petitioner, in case he is found misusing

the concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

12.03.2019

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No