

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29992 of 2019

DATE OF DECISION: AUGUST 16, 2019

PALA SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. HIMMAT SINGH DEOL, ADVOCATE FOR THE PETITIONER.
MR. HITTAN NEHRA, ADDL.A.G., PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has prayed for grant of regular bail in case FIR No.78 dated 25.8.2016 under Sections 420/465/467/468/471/120-B IPC, Police Station Sarudlgarh, District Mansa.

It has been alleged in the FIR, that the petitioner got prepared forged jamabandis and mortgage deeds on the basis of which loans were obtained by persons from HDFC Bank.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR who was initially shown as prosecution witness. However, after 2 years of the FIR, the petitioner was indicted as an accused on 14.9.2018 and was taken into custody. He submits that the investigation of the case is complete and the challan stands filed on 8.10.2018. According to him, the custodial period is more than 1 year and the offences are triable by the Magistrate and therefore, further custody of the petitioner may not be justified.

On the other hand, the said prayer is opposed by learned counsel for the State. However, on instructions from ASI Patan, this fact is not disputed that the petitioner was earlier made a prosecution witness and his statement under Section 164 Cr.P.C. was also recorded. It is also not disputed that the Relationship Manager who had advanced the loan has already been released on regular bail.

Considering the above and the fact that the investigation is complete and the challan stands filed, the offences are triable by the Magistrate and the case is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court, Mansa

The petition is allowed.

August 16, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No