

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

103

**CRM-M-47330-2019
Date of decision: 05.11.2019**

Narinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Sajida Akhtar, Advocate for
Mr. Liaqat Ali, Advocate for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in Complaint No.COMA. 591 of 2019 dated 25.07.2019 filed under Sections 420, 181, 199, 200, 511 of the Indian Penal Code, 1860 at Police Station Division No.5, Ludhiana, pending in the Court of Chief Judicial Magistrate Ist Class, Ludhiana.

Learned Counsel for the petitioner has submitted that the petitioner stood surety for one Kulwant Kaur who was granted bail by this Court and furnished surety bond before the Chief Judicial Magistrate, Ludhiana with affidavit that he never stood surety earlier. The Chief Judicial Magistrate, Ludhiana rejected the surety bond and ordered filing of the complaint against the petitioner on the ground of affidavit filed by him being false. The petitioner is illiterate and had no knowledge that he could stand surety only in one case. The petitioner is in custody for about four months and the trial is likely to take long time.

Therefore, the petitioner may be ordered to be released on bail.

On the other hand, learned State Counsel has submitted that the petitioner had submitted affidavit containing false declaration that he did not stand surety in any case earlier and thereby cheated the Court. The petitioner does not deserve the concession of bail.

Keeping in view the facts and circumstances of the case particularly that offences are triable by the Judicial Magistrate Ist Class, trial is likely to take long time and detention of the petitioner during trial will not serve any useful purpose but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail. Therefore, the petitioner is ordered to be released on bail on furnishing of bail bonds by him to the satisfaction of learned Illaqa Magistrate/Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

However, in case of commission of any similar offence by the petitioner, bail granted to him in the present case shall also be liable to be cancelled on filing of the application in this regard.

The petition is hereby allowed accordingly.

18.11.2019

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No