

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

**CRM-M No.9794 of 2019 (O&M)
Decided on: 09.01.2020**

Ramesh @ Mesha

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Bijender Dhankhar, Advocate for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 2nd 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.533 dated 30.10.2012, for offence punishable under Sections 419, 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station City Sonapat, District Sonapat.

The earlier petition seeking regular bail to the petitioner was dismissed as withdrawn on 30.01.2019.

Counsel for the petitioner has argued that as per the allegations in the FIR, the petitioner has forged certain documents and obtained a loan from the bank. It is further submitted that the petitioner was arrested on 09.01.2014 and thereafter, he was granted regular bail on 24.07.2014.

Counsel for the petitioner has further submitted that since the petitioner was also involved in some other cases, therefore, he could not appear before the trial Court and his bail/surety bonds were canceled and thereafter, he was re-arrested on 14.03.2017 and since

then, he is in custody.

Counsel for the petitioner has also argued that in 05 other FIRs, the petitioner has already been acquitted and in the present case, he is in custody for the last 02 years and 08 months and the offences are triable by the Court of Magistrate and the case before the trial Court is still at the stage of recording the prosecution evidence.

Counsel for the State, on instructions from ASI Jagdish, has not disputed the factual position but opposed the prayer for bail. Counsel for the State has also filed the Custody Certificate today in the Court, according to which the petitioner is in custody for the last 02 years and 08 months and in 05 other FIRs, the petitioner stands acquitted.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody from 14.03.2017; the offences are triable by the Court of Magistrate; the case before the trial Court is still at the stage of recording the prosecution evidence and conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

09.01.2020
yakub

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No