

Crl. Misc. No. M-14417 of 2020

Date of Decision: July 02, 2020

Kamaljit Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Gurdarshan S. Sidhu, Advocate
for the petitioner

Mr. H.S. Multani, AAG Punjab

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 15 dated 11.01.2020 registered under Sections 420, 465, 467, 468, 471 IPC at Police Station City-2, Mansa.

According to the FIR, the petitioner entered into an agreement to sell certain land to the complainant and took Rs. 4 lacs from him. He represented to the complainant that he had entered into an agreement to sell with the original purchaser. However, no sale deed was finally executed and a cheque of Rs. 4,32,000/- given in favour of the complainant was dishonored.

Learned counsel for the petitioner submits that the petitioner and the complainant were partners in the business of property dealing. Certain signed documents of the petitioner have been misused by the complainant. Further, the offence of forgery is not made out from the bare perusal of the allegations made in the FIR. Challan stands presented on 23.04.2020 but charges have not yet been framed and, thus, the trial is not likely to be concluded at an early date and, thus, the petitioner may be granted regular bail.

Custody certificate dated 02.07.2020 of Deputy Superintendent, District Jail, Mansa has been placed on record. According to this custody certificate, the petitioner has undergone actual custody of 5 months. There are eight other criminal cases pending against the petitioner, out of which two are under Section 138 of the Negotiable Instruments Act, 1881. One conviction under Section 420 IPC has also been recorded.

No dispute has been raised by learned State counsel regarding the status of the trial.

A perusal of the custody certificate shows that in the six pending criminal cases the petitioner is on bail. An offence under Section 138 of the Negotiable Instruments Act, 1881 is bailable. Even in the case in which the conviction has been recorded, the petitioner is on bail.

In view of the status of the trial, it is apparent that the same is not likely to be concluded at an early date. The petitioner has been in custody for five months. Offence of forgery is *prima facie* not made out on the basis of the allegations made in the FIR. The petitioner is on bail in the other pending cases. No useful purpose would be served by keeping him in custody in the present case as the trial is not likely to be concluded at an early date and likelihood of tampering of evidence is remote as challan has already been presented.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

July 02, 2020
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No