

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

**CRM-M No.31970 of 2019 (O&M)
Decided on: 09.01.2020**

Bagicha Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

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.16 dated 09.02.2018, 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 Mamdot, District Ferozepur.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of one Gurcharan Singh, the petitioner along with his brother Jarnail Singh and their mother Churo Bibi @ Charanjit Kaur and some other persons have entered into an agreement to sell and have obtained a sum of Rs.18 lacs as earnest money and handed over the possession to the complainant but later on, they have destroyed the wheat crop of the complainant. It is further submitted that the petitioner was arrested on 15.04.2019 and

thereafter, in the investigation, it has come that the petitioner and his brother – Jarnail Singh by impersonating their mother through one Aalo Bibi have entered into an agreement to sell dated 31.07.2017 and have obtained Rs.18 lacs from the complainant.

Counsel for the petitioner has further submitted that challan was presented on 13.06.2017 and thereafter, charges were framed on 05.08.2019 and now, the case before the trial Court is fixed for 18.01.2020 for recording the prosecution evidence and till date, out of 17 prosecution witnesses, the examination-in-chief of 03 PWs have been recorded.

Counsel for the State, on instructions from ASI Sandeep, has not disputed the factual position but opposed the prayer for bail. Counsel for the State has not disputed the fact that the petitioner is in custody since 15.04.2019 and the offences are triable by the Court of Magistrate wherein despite the charges having been framed on 05.08.2019 till date, only 03 PWs in part have been examined.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 15.04.2019; challan has been presented; charges have been framed; till date, the examination-in-chief of 03 PWs have been recorded; the offences are triable by the Court of Magistrate and the conclusion of the trial is likely to 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/Illaqa 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.

09.01.2020

(ARVIND SINGH SANGWAN)

JUDGE

yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No