

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

CRM-M-53094 of 2019 (O&M)
Date of Decision: January 08, 2020

Sumit Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Siddharth Gupta, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.134 dated 01.11.2019, under Sections 376, 506 of Indian Penal Code (Section 376 IPC deleted subsequently and Sections 354, 354-D IPC added later on) registered at Police Station City-II Malerkotla, District Sangrur.

Learned counsel for the petitioner *inter alia* contends that the petitioner herein was taken into custody in the aforesaid FIR on 10.11.2019. It is argued that in fact, the FIR that was registered, was only on account of not paying back the money that was borrowed from the petitioner and his family members by the complainant's family. It is submitted that in fact, the cheque issued by the complainant and her mother bearing No.090616 dated 04.10.2019 was dishonoured for the reasons "Funds Insufficient" and when a demand was made for the money to be returned, the FIR in question was registered. It is further argued that Section 376 IPC has subsequently been

deleted by the police itself, therefore, the petitioner is entitled to be enlarged on bail.

Reply filed by the respondent-State by way of affidavit of Mr. Sumit Sood, PPS, Deputy Superintendent of Police, Sub Division Malerkotla, District Sangrur is taken on record, wherein it has been stated that on an enquiry, the commission of offence under Section 376 IPC was not made out as well as that Section 376 IPC has been deleted.

Learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, however, submits that investigation is complete and challan is going to be presented soon.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that Section 376 IPC has subsequently been deleted and investigation is complete, no useful purpose would be served in keeping the petitioner behind the bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

January 08, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No