

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.211

CRM-M-4219-2021

Date of decision : 23.09.2021

Baljinder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.B.S.Sidhu, Senior Advocate, with
Mr.S.S.Badal, Advocate, for the petitioner.
Mr.J.S.Ghumman, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.32 dated 13.02.2018, registered under Sections 406/420 IPC at Police Station Mattaur, District SAS Nagar (Mohali).

Briefly stated, the case of the prosecution is that the complainant paid to the petitioner an amount of Rs.1,70,490/- for getting his visa processed which was not done and thereafter the complainant visited the petitioner's office several times but neither was his visa processed nor his money returned.

Seeking regular bail for the petitioner, learned counsel submits that the petitioner, who is facing a magisterial trial, has been falsely implicated in this case; he is in custody for over 02 years and 07 months; out of 67 FIRs of similar nature being faced by the petitioner he has already been granted bail in 62 of the FIRs by the Trial Court/this Court; investigation in this case is complete and that the petitioner's trial, which is yet to begin, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner is a habitual offender being involved in 74 similar cases and if released on bail he may indulge in similar offences.

The petitioner, who is facing a magisterial trial, has already suffered incarceration for over 02 years and 07 months; in 62 out of the 67 FIRs of similar nature being faced by the petitioner he has already been granted bail either by the Trial Court or by this Court and in this regard it would be useful to refer to the following observations made by this Court in CRM-M-29886-2021 *Baljinder Singh vs State of Punjab* on 15.09.2021, through which the petitioner, in a similar case as the present one, was granted regular bail: -

“The petitioner is in custody for a period of about 2 years and 7 months and he has been granted bail in a substantial number of cases registered on the basis of similar allegations by the Co-ordinate Benches of this Court or the Courts below. The investigation of the case is complete, challan has already been presented but the charges are yet to be framed. As such, the conclusion of the trial is likely to take sometime. Moreover, the offences are triable by the Judicial Magistrate 1st Class, and in such circumstances, sufficient mitigating circumstances are made out to extend the concession of the bail to the petitioner.”

In the light of the above facts and the several orders passed by this Court granting bail to the petitioner in similar circumstances, the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, SAS Nagar (Mohali) the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

23.09.2021

shamsher

[DEEPAK SIBAL]

JUDGE

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