

CRM-M-8810-2021(O&M)

Date of decision : 08.09.2021

Jagraj Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Talwinder Singh, Advocate for the petitioner.

Mr. Sandeep Vermani, Addl. AG Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.206 dated 13.08.2019 under Sections 406, 420, 465, 471 of the Indian Penal Code, 1860 (Section 201 IPC was added later on and Section 120-B IPC was deleted later on), registered at Police Station City Moga, District Moga.

Learned counsel for the petitioner would contend that after withdrawal of first petition being CRM-M-41480-2020 on 16.12.2020, the change in circumstances is that though the complainant has been examined, however, only 2 out of 15 prosecution witnesses have been examined till date. He would further contend that the petitioner has been in custody for the last 10 months and 28 days. There is no other case pending against the petitioner.

Mr. Sandeep Vermani, Addl. AG Punjab, on instructions from ASI Mohan Lal, has reiterated that out of 15 prosecution witnesses only 2

have been examined till date and that the petitioner has been in custody for a period of 10 months and 28 days. In the status report filed by way of affidavit of Sh. Barjinder Singh, PPS, Deputy Superintendent of Police, City Moga, Punjab it has been stated that the petitioner had received an amount of ₹35 Lacs from the complainants and their relatives for sending them to Canada.

Keeping in view the fact that the petitioner is a first time offender and has been in custody for a period of over ten months and till date out of 15 prosecution witnesses only 2 witnesses have been examined, without commenting upon the merits of the case and also considering the fact that the trial is likely to take some time to conclude, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

08.09.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO