

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

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**CRM-22983-2021 in
CRM-M-21504-2021.
Date of Decision: 04.08.2021.**

Roshan Singh @ Roshan Lal @ MallaApplicant/Petitioner.

Versus

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Raman Mohinder, Advocate for applicant/petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Lalit Batra, J.(Oral)

CRM-22983-2021

This application under Section 482 Cr.P.C. is for preponing the date of hearing of the main petition, which is already fixed for 01.09.2021.

Notice of application.

At the asking of Court, learned State counsel accepts notice and stated that he has no objection if application is allowed.

In view of the grounds mentioned in the application and no objection by learned State counsel, hearing of the main petition is preponed and the main petition is taken on Board today itself.

CRM is allowed.

Main Case

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Roshan Singh @ Roshan Lal @ Malla** for grant of regular bail

in case FIR No.56 dated 21.03.2021 under Sections 120-B, 420, 465, 467, 468, 471 and 489-A IPC and Section 66 of Information and Technology Act, registered at Police Station City-1, Abohar, District Fazilka.

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further submits that though alleged occurrence took place in the year 2019, whereas instant FIR was registered on 21.03.2021 after delay of one year and five months and that too unexplained one. He further submits that as a matter of fact previously complainant had filed two complaints under Section 138 of Negotiable Instruments Act, against the petitioner regarding amount of Rs.6,15,000/- and those complaints were withdrawn on 14.01.2021 and thereafter instant FIR was got registered. He further submits that factum of filing of above said complaints and withdrawal thereof has not been disclosed in the FIR. He further submits that petitioner is in custody since 21.03.2021 and he is no more required by the Investigating Agency for any investigation purpose. He further submits that after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court. He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and carefully gone

through the records.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 21.03.2021; that petitioner is no more required by the Investigating Agency for investigation purpose; that final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Roshan Singh @ Roshan Lal @ Malla** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Fazilka, as the case may be.

(LALIT BATRA)
JUDGE

04.08.2021
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No