

[203] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27800-2021

Date of Decision :17.12.2021

Pargat Singh ...Petitioner

Versus

State of PunjabRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Shakti Mehta, Advocate for the petitioner.
Mr. Ayush Sarna, AAG, Punjab.

B.S. Walia, J. (Oral)

1. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.231 dated 04.07.2014, registered under Sections 419, 420 (Sections 467, 468 and 471 IPC added later on) and 120-B IPC at Police Station Tripuri Town, Patiala, District Patiala.

2. Learned counsel contends that out of the eight accused, seven accused including the main accused are on regular bail and the only allegation against the petitioner is of his having attested the power of attorney executed in favour of Gurcharan Singh i.e. the petitioner's father.

3. Learned counsel contends that the offences are triable by a Magistrate, petitioner has been in custody since more than one year, Challan has been presented, Charges have been framed, therefore, in the circumstances, no useful purpose would be served by keeping the petitioner in custody as trial is likely to take considerable period of time. Learned Counsel relies on the order in CRM-M-23518-2018 in case titled as Chandan

Sections 420, 465, 467, 471 and 120-B of IPC, in which the petitioner therein was involved in 13 cases on identical charges but was released on regular bail by taking into account that the petitioner had been granted bail in eight cases where allegations were identical and that co-accused of the petitioner therein was already on regular bail, offence was triable by Magistrate etc.

4. Learned State counsel on instructions confirms the position as noted above.

5. I have considered the submissions of learned counsel for the parties and in view of the position noted above especially of all remaining accused including the main accused having been released on bail, offences being triable by a Magistrate, petitioner being in custody since more than one year, challan having been presented, charges having been framed, trial likely to take considerable period of time to conclude, therefore, without expressing any opinion with regard to the merits of the case, the petition for regular bail is allowed and the petitioner is ordered to be released on regular bail during the pendency of the trial, subject to his furnishing bail/surety bonds to the satisfaction of the learned CJM/Trial Court/Duty Magistrate, concerned, provided he is not required in any other case. The petitioner shall also abide by the conditions contained in Section 437(3) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

6. Petition allowed in the aforementioned terms.

(B.S. Walia)
Judge

17.12.2021