

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

**CRM-M-38324-2021
Date of decision: 12.11.2021**

Deepak Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Manvinder Singh Sidhu, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 292 dated 24.08.2018, registered under Sections 406, 420, 120-B of the IPC at Police Station Division No. 5, Ludhiana.

Learned counsel for the petitioner submits that as per allegations in the FIR, which is registered on a complaint made by the Branch Manager, M/s Chola Mandalam Investment & Finance Co. Ltd., Ludhiana against petitioner Deepak Kumar, his father Ravinder Kumar, sister Arti and Vijay Kumar, it is stated that Ravinder Kumar and petitioner Deepak Kumar have obtained a loan of Rs. 18 Lakh from the complainant and Ravinder Kumar has mortgaged a property with the aforesaid firm, however, later on, Ravinder Kumar executed a power of attorney in favour of his daughter Arti, who has sold the said property in favour of Vijay Kumar.

Learned counsel further submits that the property, which was mortgaged, was in fact under the ownership of Ravinder Kumar, who has

already been granted bail by the trial Court on medical grounds.

Learned counsel further submits that now co-accused Arti and Vijay Kumar have been cited as prosecution witnesses and except that the petitioner is a co-applicant, there is no allegation that he has mortgaged the said property as he was not the owner of the same.

Learned counsel further submits that petitioner is a first offender; he is in judicial custody for the last 11 months and 16 days and since even charges are not yet framed, the conclusion of trial is likely to take a long time.

Learned State counsel has filed the custody certificate and has not disputed the factual position. It is also not disputed that the charges have not yet been framed. As per custody certificate, the petitioner is not involved in any other case and he is in judicial custody for the last 11 months and 16 days.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last 11 months and 16 days; he is not involved in any other case and also in view of the fact that since the offences are triable by the Magistrate, the conclusion of trial may take a long time as even charges have not been framed so far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

12.11.2021

Waseem Ansari

*Whether speaking/reasoned
Whether reportable*

(ARVIND SINGH SANGWAN)

JUDGE

*Yes/No
Yes/No*