

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

1. CRM-M-54947-2019 (O&M)

Dharmender Saini

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-908-2020 (O&M)

Sidharth Gandhi

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 09.11.2021

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. S. Kathuria, Advocate
for the petitioner in CRM-M-54947-2019.

Mr. Arjunveer Sharma, Advocate
for the petitioner in CRM-M-908-2020.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

Prayer in these petitions, which have been filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to petitioners in case FIR No. 78 dated 21.04.2018, registered under Sections 379, 406, 420, 465, 467, 468, 471, 120-B of the IPC at Police Station Sarabha Nagar, District Ludhiana.

Considering the health condition of petitioner Dharmender Saini, he was granted interim bail on 06.09.2021 and thereafter, he was again granted interim bail for a period of six weeks, vide order dated 13.09.2021.

These petitions are pending since long and the primary allegations against the petitioners are that while cloning the ATM Cards of the different victims, as detailed in the FIR, they have withdrawn their money.

Learned State counsel submits that the petitioners are involved in three more cases of similar nature, however, it is not disputed that the petitioners have undergone custody of more than two years and till date no prosecution witness has been examined.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the fact that both the petitioners have undergone custody of more than two years; the offences are triable by the Court of a Magistrate and since till date out of total 45 prosecution witnesses, none has been examined, it will take a long time in conclusion of trial, the instant petitions are allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate concerned.

Since petitioner Dharmender Saini is on interim bail, he will furnish fresh bail/surety bonds before the trial Court.

A photocopy of this order be placed on the file of other connected case.

09.11.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No