

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-805 of 2022 (O&M)
DECIDED ON: 4th August, 2022

Jatinder Singh @ Happy

.....PETITIONER

VERSUS

State of U.T. Chandigarh.

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. J.S. Dadwal, Advocate for petitioner.

Mr. Ankur Bali, Addl. PP UT Chandigarh.

Mr. Gourav B. Gilohtra, Advocate and
Mr. Akash Manocha, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

This is a petition seeking regular bail in case of FIR No. 51 dated 8.3.2018, under Sections 406, 420, 120-B IPC, 1860 and later on added Section 201 IPC, 1860, registered at Police Station Sarangpur, Chandigarh.

Learned counsel for the petitioner claims parity with co-accused Manu Sandal, who was granted regular bail by this court on 17.2.2022.

On 17.2.2022, this court passed the following order:

" By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.51, dated 08.03.2018, having been registered at Police Station Sarangpur, Chandigarh, alleging therein the commission of offences punishable under the provisions of Sections 406/420/120-B of the IPC (with Section 201 thereof added later).

Learned counsel for the petitioners submits that the petitioner having been in custody for about 4 ½ months now and with the trial still not having effectively commenced and with there being no other criminal case registered against her, she deserves to be admitted to bail.

As per the custody certificate filed in court today by the learned Addl. PP, UT, Chandigarh, she has undergone 4 months 26 days of actual custody, with him submitting that no prosecutions witness has been examined so far but with the

petitioner living in the same locality as the complainant, she may influence the witnesses.

Having considered the matter, looking at the nature of the offences alleged to have been committed (alleged chit fund fraud) and specifically the stage of the trial, without making any comment whatsoever on the actual merits of the case, the petition is allowed, with the petitioner admitted to bail, upon her furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate concerned. "

Learned counsel for complainant vehemently opposes the prayer for bail, however, submits that the petitioner was apprehended from Pune. There is a chance of his absconding.

Learned State counsel for U.T. Chandigarh, opposes the prayer for bail but on instructions is not able to distinguish parity of petitioner viz-a-viz co-accused so far as grant of bail is concerned.

Learned counsel for the petitioner on instructions offers to give a local surety of Rs. 2.5 lakh to meet the apprehension raised by learned counsel for complainant.

Without commenting upon the merits of the case and on the basis of parity of petitioner with co-accused, bail is granted to the petitioner subject to furnishing local surety bonds of Rs. 2.5 lakh to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

4th August, 2022
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Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*