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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-22354-2022

Date of Decision: 04.08.2022

Chetan Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kulwinder Singh, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.12 dated 25.01.2022, under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

It has been submitted by learned counsel for the petitioner that the petitioner had earlier filed a petition for grant of regular bail in CRM-M-9269-2022, which was dismissed as withdrawn on 09.03.2022, in view of the fact that at that point of time, the matter was still at the investigation stage and the challan was not presented. He further submitted that now the investigation of the case has been completed and challan has been presented and therefore, in view of the change of circumstances, he has filed the present petition for grant of regular bail to the petitioner. He also submitted

that apart from the same, there is another change of circumstance that the another similarly situated co-accused, namely, Mohit Arora has been granted bail by this Court in CRM-M-28361-2022 on 12.07.2022 and some other co-accused have also been granted bail by this Court. Learned counsel for the petitioner has submitted that the petitioner is in custody since 25.01.2022 and no recovery is to be effected from him. He further submitted that as per the prosecution, the petitioner along with the co-accused, namely, Mohit Arora were using the fabricated cheques but there is no transfer of any money in the account of the petitioner and has also submitted that the case of the petitioner is at parity with the aforesaid co-accused, namely, Mohit Arora and only difference is that the aforesaid Mohit Arora was not involved in any other case but the petitioner is involved in one more case but the mere fact is that he is involved in another case, cannot become a ground for denial of the bail to the petitioner, in view of the aforesaid facts and circumstances.

On the other hand, Mr. Joginder Pal Ratra, learned DAG, Punjab has stated that it is correct that the petitioner is in custody from 25.01.2022 and after the withdrawal of the first petition, the challan has now been presented and the other co-accused have been granted bail.

I have heard the learned counsel for the parties.

The petitioner is in custody since 25.01.2022 and the investigation of the case has been completed and as per the learned counsel for the parties, the other similarly situated co-accused, namely, Mohit Arora and some of the other co-accused have also been granted bail by this Court. No recovery is to be effected from the petitioner in the present case and the

trial of the case may take long time, therefore, in view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

04.08.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |