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

**CRM-M-24838-2021
Date of Decision: 27.05.2022**

Satish Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. B.S. Bhalla, Advocate,
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.137 dated 22.07.2011, under Sections 420, 465, 467, 468, 471 & 120-B of the IPC, registered at Police Station Salem Tabri, Ludhiana, District Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 21.04.2021 which is more than one year. He further submitted that the investigation of the case has been completed and thereafter Challan has also been presented before the competent Court. He also submitted that it is a case where the allegations were made by a Bank against three accused persons, who are the brothers, namely, Naresh Kumar,

Kulwant Rai and Satish (Petitioner) and the allegations were that they had got loan/C.C. Limit on the basis of forged documents which they got mortgaged with the Bank. He further submitted that in fact the same, if any, was done by the brother of the petitioner, namely, Kulwant Rai and the petitioner was only a co-owner of the property and was not even aware of the said loan. He also submitted that even before the lodging of the FIR, the other co-accused, namely, Naresh Kumar had died on 03.08.2008 and Kulwant Rai also died on 11.07.2019. He further submitted that the petitioner was earlier declared as Proclaimed Offender on 03.01.2013 and the Police thereafter arrested the petitioner on 21.04.2021 and thereafter Challan was presented against him. He also submitted that the petitioner was never served on the address which has been stated in the FIR and rather he has been residing at House No.125, Street No.5, New Basant Nagar, Kakowal Road, Ludhiana from December, 2013 onwards and the same has now been so stated in Para No.6 of the affidavit dated 10.11.2021 filed by the State. He further submitted that be that as it may, it is a case where the petitioner having clean antecedents and is not involved in any other case and the case is triable by the Magistrate and furthermore, the entire case is dependent upon the documentary evidence and he has already faced incarceration for more than one year and therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. R.S. Thind, learned Deputy Advocate General, Punjab has submitted that it is correct that the petitioner is in custody since 21.04.2021 and the investigation of the case has been completed and the challan has also been presented before the competent

Court. He further submitted that as per the affidavit filed by the concerned Police Officer, the petitioner was arrested from the aforesaid address i.e. House No.125, Street No.5, New Basant Nagar, Kakowal Road, Ludhiana mentioned in Para 6 of the affidavit and it was found from the owner of the house that the petitioner was staying there, since December, 2013.

I have heard the learned counsel for the parties.

The petitioner is in custody since 21.04.2021 and the investigation of the case has already been completed and the challan has also been presented. The case is triable by Magistrate and moreover it appears that the entire case is dependent upon the documentary evidence and it is not the case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the totality of the circumstances of the present case, 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.

27.05.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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