

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

CRM-M-24486-2021 (O&M)

Date of decision: 27.10.2022

Amit Sharma @ Nitin Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. K.S. Sidhu, Senior Advocate with
Mr. Luvraj Dhindsa, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG Punjab.

Mr. N.S. Gill, Advocate for
Mr. Munish Gupta, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.27 dated 23.02.2020, registered under Sections 406, 420, 465, 467, 468, 471, 120-B, 419, 201 IPC, Section 13(2) of the Prevention of Corruption Act and Sections 66, 66-D, 72, 72-A of the Income Tax Act added later on, at Police Station Garhshankar, District Hoshiarpur.

The short reply dated 13.09.2021 filed on behalf of the respondent-State is already on record.

Learned senior counsel for the petitioner submits that the FIR was registered at the instance of Balwant Singh Sohal; that the petitioner was

neither named in the FIR, nor any overt act has been attributed to him; that the petitioner has falsely been implicated in the present case on the confessional statement of the co-accused; that as per the FIR, the money was withdrawn from the account of the complainant by co-accused Sandhya by forging the cheques and then it was transferred in the accounts of Mohinder Pal and Parkash Chand; that the petitioner has nothing to do with the alleged occurrence; that though the challan was presented on 01.06.2022, yet out of 21 prosecution witnesses, none has been examined so far and that the petitioner has been in custody since 07.12.2020.

Learned senior counsel further submits that as far as other five cases against the petitioner are concerned, he is on bail in those cases and that no recovery has been effected from him.

Learned State counsel and learned counsel for the complainant, while vehemently opposing the prayer for bail, submits that though the petitioner was not named in the FIR, yet he had actively participated in the crime. Mohinder Pal was impersonated by Deepak Gupta to open an account in the name of Mohinder Pal. However, learned State counsel does not dispute the custody period of the petitioner and the fact that the challan was presented on 01.06.2020 and charges are yet to be framed and that none of the prosecution witnesses has been examined as yet.

I have heard the learned counsel for the parties and have gone through the paper-book.

The petitioner has been in custody since 07.12.2020. The petitioner was indicted in the present case on the basis of confessional statement of the co-accused. No recovery has been effected from the

petitioner. The challan was presented on 01.06.2020. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

27.10.2022

Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No