

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23005-2022 (O & M)

Date of decision:31.05.2022

Malkit Singh

... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition is for the grant of regular bail under Section 439 Cr.P.C. in a case bearing FIR No.108 dated 20.09.2021 under Sections 420 IPC (Sections 465, 466, 468 and 471 IPC added later on) registered with Police Station Longowal, District Sangrur.

The brief facts of the case are that the FIR was registered on the complaint given by various persons against Malkit Singh-petitioner and one Harmanjot Kaur with the allegations that Harmanjot Kaur introduced herself as a clerk working in the Military at Sangrur. She obtained various amounts from a number of people and those people had been introduced to her through Malkit Singh, the present petitioner.

The learned counsel for the petitioner submits that Harmanjot Kaur is a main accused, who has taken money from various people. In fact,

she had cheated the petitioner and his wife on the pretext that she would

arrange a visa for the elder son of the petitioner, and therefore, both the sons of the petitioner were working as domestic helpers in the house of the said Harmanjot Kaur, who introduced herself to the complainants and the petitioner as a clerk in the Indian Army. She also informed the complainants as also the petitioner and his wife that her husband was also an officer in the Indian Army. Admittedly, the husband of Harmanjot Kaur is a Subedar in the Indian Army. The learned counsel for the petitioner, thus, contends that Harmanjot Kaur was the main accused and the petitioner had no role to play in the entire occurrence.

The submission of the learned counsel for the petitioner is also to the effect that Harmanjot Kaur had taken the entire money, but has been granted the concession of regular bail under Section 167(2) Cr.P.C. vide order dated 14.03.2022 passed by the Judicial Magistrate Ist Class, Sangrur. He contends that since the main accused has already been granted the concession of regular bail albeit under the provisions of Section 167(2) Cr.P.C., the petitioner was also entitled to the grant of regular bail. It is lastly contended that the case is triable by the Court of Magistrate and the maximum sentence being 07 years, the further custody of the petitioner is not required.

The learned State counsel, on the other hand, contends that the serious allegations have been levelled against the accused. It pertains to forgery of documents and the security of the country was likely to be threatened as the money was taken to provide jobs in the Indian Army. He, thus, contends that the petitioner does not deserve the concession of regular bail.

I have heard the learned counsel for both the parties.

The petitioner is in custody since 15.01.2022. As many as 26 witnesses are to be examined by the prosecution and till date only the challan has been submitted on 15.03.2022. Harmanjot Kaur and Sukhjit Kaur, the wife of the petitioner have been granted the concession of bail and even otherwise the case is triable by the Court of a Magistrate.

Keeping in view the aforementioned facts, the period of custody undergone by the petitioner and the fact that the trial of the case is not likely to be concluded in the near future, the further custody of the petitioner is not required.

Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Malkit Singh, is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(JASJIT SINGH BEDI)
JUDGE

May 31, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No