

226

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

CRM-M-26439-2022

Date of Decision : 30.08.2022

Pushpinder Singh @ Pushvinder Singh

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Nitish Garg, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, 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.316 dated 26.08.2021, under Sections 406, 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Kotwali, Patiala.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 17.04.2022, the investigation has already been completed and the report under Section 173 Cr.P.C. has been presented before the competent Court. He submitted that the entire case is based upon documents and no recovery is to be effected from the petitioner. Learned counsel for the petitioner further submitted that even as per the allegations, the petitioner had taken a loan from a bank and

thereafter had been repaying the installments but when there was default then the proceedings under the SARFESI Act were initiated against him. He further submitted that even suit for recovery was also filed by the bank against the petitioner which is also pending, hence the trial may take long time and, therefore, considering the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

On the other hand, learned State counsel has stated that it is correct that the investigation of the case has been completed and the allegations against the petitioner are that he had not paid the money back to the Bank but he had got opened a fictitious account on the basis of which the money for car was paid by the Bank.

I have heard learned counsel for the parties.

The petitioner is in custody from 17.04.2022. As per both the learned counsels for the parties, the investigation of the case has already been completed and no recovery is to be effected from the petitioner. The bank has already initiated SARFESI proceedings against the petitioner besides the civil suit for recovery which is also pending. It is not the case of the State that in case the peittioner is released on bail then he may influence the witnesses or may flee from justice or may tamper with the evidence.

In view of the aforesaid position, this Court deems it fit and proper to grant the regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner

is ordered to be released on bail on furnishing of bail bonds/surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Trial Court/Duty Magistrate.

However, anything observed herein above shall have no effect on the merits of the case and is meant for deciding the present petition only.

August 30, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No