

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

CRM-M-38234 of 2022

Date of decision : 21.10.2022

Joginder Singh

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Vivek Aggarwal, Advocate
for the petitioner.

Mr. Viney Phogat, Dy. Advocate General, Punjab
for the respondent/State.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.330 dated 18.06.2018 registered for the offences punishable under Sections 379, 420, 465, 468, 471, 474 and 201 of the Indian Penal Code, 1860, at Police Station City Kaithal.

2. Custody Certificate of the petitioner has been filed on behalf of the State, today in Court. The same is taken on record.

3. Ld. Counsel for the petitioner submits that the petitioner is alleged to have swapped ATM Card and has misused the same to withdraw an amount of Rs.49,000/-. He submits that the petitioner is in custody since 14th of July, 2021 and has already suffered incarceration for more than 1

year, 3 months and 7 days. It is submitted that the investigation is complete, Challan already stands presented and, thus, there can't be any apprehension w.r.t. the petitioner tampering with evidence.

4. Per contra, State Counsel does not dispute the aforesaid factual assertions made by counsel for the petitioner on the basis of the record however, points out to the 18 more cases wherein the petitioner is facing allegations of somewhat similar nature including that under Section 379/380 IPC.

5. Faced with this situation, Ld. Counsel for the petitioner submits that in majority of the said cases the petitioner has already been admitted to bail and there is no conviction awarded to the petitioner. He, thus, relies upon the law laid down by the Apex Court in **Maulana Mohd. Amri Rashadi vs. State of U.P., 2012(2) SCC 382** and **Prabhakar Tiwari vs. State of U.P., (2020) 1 RCR (Cri.) 831** to submit that it is the allegations levelled in the present case that have to be seen while considering the bail application filed by the petitioner.

6. I have heard counsel for the parties and have gone through the records of the case.

7. Keeping in view the fact that the investigation already stands completed and, thus, there can't be any apprehension w.r.t. the petitioner tampering with the evidence and keeping in view the period of incarceration already suffered by the petitioner, the present petition is

allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

October 21, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No