

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

-.-

CRM-M-40555-2020 (O&M)

Date of Decision: 14.01.2022

Rajinder Singh

...Petitioner

VERSUS

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Arjunveer Sharma, Advocate for the petitioner.

Mr. H.S.Multani, AAG Punjab.

ALKA SARIN, J. (Oral)

Taken up through video conferencing.

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.122 dated 27.11.2019 under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 registered at Police Station Sudhar, District Ludhiana (Rural).

Learned counsel for the petitioner would contend that the first petition filed by the petitioner being CRM-M-12129-2020 was dismissed as withdrawn on 26.08.2020. Learned counsel for the petitioner would further contend that as directed by this Court vide order dated 25.02.2020, passed in CRM-M-7230-2020, the petitioner had surrendered before the Court on 05.03.2020. It is further the contention of the learned counsel for the petitioner that banks always do their diligence before sanctioning a loan. In

the present case also, after having being satisfied, the loan was sanctioned to the petitioner. It is further the contention that the petitioner has already been in custody for a period of 01 year, 10 months and 10 days and the maximum sentence prescribed under the law for the sections attracted in the present case would be seven years.

Learned counsel for the State has filed the custody certificate as per which the petitioner has been in custody for a period of 01 year, 10 months and 10 days and there is no other case pending against the petitioner. Learned counsel for the State, however, contends that the petitioner has swindled the public money and hence it is not a fit case for grant of regular bail.

Heard.

In the present case, the petitioner, as per the custody certificate, has been in custody from 12.03.2020 till date. Out of 18 witnesses, 06 have been examined. However, the conclusion of the trial is likely to take some time especially in view of the current situation created by the third wave of COVID-19 Pandemic. As such, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting upon the merits of the case and keeping in view the long custody period of the petitioner as well as the fact that the trial will take some time, I deem it fit to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

January 14, 2022
tripti

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO