

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-42112-2022 (O&M)

Date of decision : 21.10.2022

Bharat Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Bharat Puri, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.0166 dated 20.06.2022 registered under Sections 420, 465, 467, 468, 471 IPC (Section 120-B IPC added later on) at Police Station Division no.5, Police Commissionerate, Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 23.06.2022 and the investigation is complete and the challan has already been presented and there are 29 witnesses and out of them, none have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. The case is triable by a Magistrate. It is further submitted that the petitioner was not named in the FIR and only named in the disclosure statement of co-accused Sandeep Singh and even as per the said statement, the only role of the petitioner was to submit the file in the office of UTI company and

Sandeep Singh and Rajnish.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that as per the FIR Sandeep Singh, who is the main accused, had submitted false and fabricated documents and caused loss to the various customers to the tune of Rs.48, 98, 422, 70/-.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 23.06.2022 and the investigation is complete and the challan has already been presented and there are 29 witnesses and none have been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case and the case is triable by a Magistrate. The petitioner was not named in the FIR and even as per the disclosure statement of co-accused Sandeep Singh, it is Sandeep Singh and Rajnish, who are the main accused, who had prepared the forged documents and the role of the present petitioner prima facie seems to be of the person who had deposited the file in the office of UTI company.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of

bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

October 21, 2022
Davinder Kumar

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