

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

204

CRM-M-44645-2022

Date of Decision : **September 30, 2022**

SUNIL

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Sanjeev Kumar, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy A.G., 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 FIR No.0012 dated 25.01.2022 under Sections 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib, Punjab.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 25.1.2022 which is almost 8 months and the investigation of the case has already been completed and thereafter even challan has been presented. However, charges have not been framed. He submitted that it is a case which is triable by the Magistrate and the allegations are with regard to theft of cheques regarding which some money was withdrawn but so far as the present petitioner, namely, Sunil is concerned, there was neither any recovery made from him nor any amount was transferred in his name and his name was nominated on the basis of a disclosure statement made by the co-accused. He further submitted that rather another co-accused, namely, Mohit Arora has been granted bail by this Court vide CRM-M-28361-2022 and from whom there was a recovery of some fabricated cheques. He submitted that be that as it may, the petitioner has already suffered

incarceration for 8 months, he may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 25.1.2022 and the investigation of the case has been completed and thereafter challan has been presented. He also sought instructions from ASI Balwant Singh who is present in the Court that there was no recovery from the present petitioner nor was any amount transferred in his account.

I have heard the learned counsels for the parties.

The petitioner has faced incarceration for 8 months. The case is triable by the Magistrate. The other co-accused, namely, Mohit Arora has already been extended the benefit of regular bail. As per the learned counsels for the parties there was no recovery from the present petitioner nor was any amount transferred in his account. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

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

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

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

(JASGURPREET SINGH PURI)
JUDGE

September 30, 2022

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