

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47899-2022
Date of Decision: 21.10.2022

Rajesh Kumar @ Thakur

....Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Pooja Chhabra, 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 the grant of regular bail to the petitioner in 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 26.06.2022 which is 3 months and 24 days and the investigation of the case is already complete and thereafter, challan has been presented before the competent Court. She further submitted that it is a case which is triable by Magistrate and no recovery is to be effected from the petitioner and since the trial of the case may take long time, the petitioner may be considered for the grant of regular bail. She further submitted that even otherwise also, it was a case of non-payment of loan but

has been given the flavour of fabrication of documents. She further submitted that the other co-accused namely Pushpinder Singh @ Pushvinder Singh has been granted regular bail by this Court in CRM-M-26439-2022 on 30.08.2022. She further submitted that the petitioner is not involved in any other case and has got clean antecedents.

On the other hand, Mr. Kunal Vinayak, learned Assistant Advocate General, Punjab has submitted that it is correct that the petitioner has faced incarceration for 3 months and 24 days and the present case is case triable by Magistrate and no recovery is to be effected from the petitioner. He further submitted that it is also correct that the other co-accused namely Pushpinder Singh @ Pushvinder Singh has been granted regular bail by this Court on 30.08.2022.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for 3 months and 24 days and the case is triable by Magistrate. As per the learned counsel for the parties, no recovery is to be effected from the petitioner and also the petitioner is not involved in any other case. The custody certificate has also been filed in the Court today which is taken on record. 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 evidence or may flee from justice.

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

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the

satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

21.10.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No