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

**CRM-M-47816-2022
Date of Decision: 21.10.2022**

Gurmail Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kanwaljeet Singh Brar, 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 grant of regular bail to the petitioner in case bearing FIR No.111 dated 08.08.2022, under Sections 420, 465, 467, 468, 471 & 120-B IPC, registered at Police Station Nathana, District Bathinda.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 08.08.2022 and the only role as alleged against him was that he was a witness to the agreement to sell but the basic allegation in the FIR was against the co-accused, namely, Harkrishan Singh that he had fabricated some stamp papers on which the agreement to sell was executed. He further submitted that vide CRM-M-37749-2022, the aforesaid Harkrishan Singh has been granted interim anticipatory bail by this Court. He also submitted that be that as it may, no recovery is to be

effected from the petitioner and even otherwise also the present is a case triable by the Magistrate and no useful purpose will be served in case the petitioner is kept in further custody and has, therefore, prayed that the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned AAG, Punjab has stated that it is correct that the petitioner is in custody since 08.08.2022 and the present case is triable by the Magistrate. He further submitted that it is also correct that the other co-accused, namely, Harkrishan Singh, who is the main accused, has been granted interim anticipatory bail by this Court.

I have heard the learned counsel for the parties.

The petitioner is in custody since 08.08.2022 and the present case is triable by the Magistrate. On a query being asked to the learned State counsel as to whether any further recovery is to be effected from the petitioner or not, he stated that no recovery is to be effected from the present petitioner. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence any witness. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

purpose of decision of present petition.

21.10.2022

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

1. Whether speaking/reasoned:
- Yes
2. Whether reportable:
- Yes/No