

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101+205)

CRM No.17328 of 2023 in/and
CRM No.M-3885 of 2023
Date of Decision : 20.04.2023

Gaurav Chhabra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Gurvinder Singh, Assistant Advocate General, Punjab

Harsimran Singh Sethi J. (Oral)

CRM No.17328 of 2023

The present application has been filed to place on record Annexures P-4 to P-11 i.e. copies of judgments in a complaint case filed under Section 138/142 of the Negotiable Instruments Act, 1881 against the petitioner-accused by one Babu Ram where, the petitioner-accused has been acquitted of the similar allegations by the competent Court of Law.

Notice of the application to the counsel opposite.

Mr. Gurvinder Singh, Assistant Advocate General, Punjab, who is present in the Court accepts notice and raises no objection for the grant of the prayer as made in the present application.

Application is allowed.

Documents i.e. Annexures P-4 to P-11 are taken on record.

CRM No.M-3885 of 2023

The present petition has been filed for the grant of regular bail in respect of FIR No.169 dated 21.08.2016, registered under Section 420,120-B of IPC at Police Station Sahnewal, District Ludhiana City, Punjab.

Learned counsel for the petitioner argues that the petitioner is behind bars since 16.11.2019 i.e. more than three years and four months and he has already suffered sufficient incarceration as under trial and as the trial is likely to take some time before it concludes, the petitioner may be granted the concession of regular bail. Learned counsel for the petitioner submits that document brought on record prove that though certain similar cases are being faced by the petitioner but in six cases involving the same issue, he has already been acquitted of the similar allegations.

Learned counsel for the respondent-State submits that a large amount of money of innocent people has been embezzled by the petitioner along with other co-accused hence, as the petitioner is habitual offender, the concession of regular bail may be declined. He concedes that in the present case out of 36 cited witnesses, no one has been examined so far.

I have heard learned counsel for the parties and have gone through the pleadings of case.

From the record, it is clear that the petitioner is behind bars since 16.11.2019 i.e. for the last more than three years and four months. It is also on record that the petitioner has been acquitted in six FIRs wherein similar allegations have been alleged. Though, no comment is being made by this Court qua the allegations alleged against the petitioner in the present FIR but as the petitioner is already behind bars for the last more than three years and four months and the trial is not likely to conclude in the near future as none of

36 cited witnesses have been examined so far, no useful purpose will be achieved in keeping the petitioner behind the bars through entire period of trial.

Learned counsel for the petitioner undertakes that in case the petitioner is granted concession of regular bail, he will not use the same to influence the trial or witnesses in any manner. The State is given liberty to file appropriate application in case the bail granted by this Court is misused by the petitioner in any manner either to influence the trial or witnesses in any manner

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

April 20, 2023
jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No