

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-4251-2023

Date of decision : February 13, 2023

SUBHASH

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Balraj Singh Dhull, Advocate for the petitioner

Mr. P.P. Chahar, DAG, Haryana

KULDEEP TIWARI, J. (ORAL)

Petitioner Subhash through this petition under 439 Cr.P.C. prays for grant of regular bail in case FIR No. 0134 dated 6.4.2022, Under Sections 120-B, 406, 420, 467, 468, 471 IPC, registered at Police Station Kaithal City, Kaithal.

At the very outset, counsel for the petitioner submits that he does not want to address arguments on merits and rather seeking concession of regular bail on account of length of incarceration suffered by the petitioner. Learned counsel for the petitioner placed reliance upon orders passed in CRM-M-34783-2022, Pankaj vs State of Haryana dated 28.9.2022 and CRM-M-49744-2022, Tej Singh Chauhan vs State of Haryana, dated 9.11.2022, vide which a Coordinate Bench has extended the benefit of regular bail to the co-accused.

The allegations against the petitioner are that he approached the complainant-bank and submitted an application for grant of crop loan of Rs 4 lakhs i.e. CKCC loan and agricultural term loan of Rs 1 lakh i.e. total Rs 5 lakhs. The petitioner did not adhere to the financial discipline of the bank and the terms of CKCC loan agreement. The loan was not repaid and thereafter, upon inquiry, it was found that the petitioner was not owner of any land comprised in Khewat No. 41 and the revenue record produced by him for obtaining loan was forged and fabricated.

I have examined the entire record as well as custody certificate placed on record by the learned State counsel. The custody certificate reveals that the petitioner was arrested in the present case on 6.5.2022 and has been in judicial custody since 7.5.2022.

The learned State counsel on instructions stated that the investigation is complete and the challan has been filed. However, charges are yet to be framed.

This Court, without commenting on the merits of the case, deem it appropriate to extend the benefit of regular bail to the petitioner, considering the length of incarceration and the stage of the trial, which is at very initial stage and the fact that the offences are triable by a Magistrate and the completion of the trial will take considerable long time. Therefore, the present 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.

February 13, 2023
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(KULDEEP TIWARI)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>