

CRM-M-4509-2023 (O&M)

217

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-4509-2023 (O&M)
Date of Decision: 01.12.2023

Bharpur Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.S. Bhatia, Advocate,
for the petitioner.

Mr. G.S. Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. 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.59 dated 17.09.2021, under Sections 419, 420, 465, 466, 467, 468, 471, 120-B IPC and Section 82 of Registration Act, 1908, registered at Police Station Block Majri, SAS Nagar Mohali, Punjab.

2. Mr. G.S.Bhatia, Advocate has caused appearance and filed his Power of Attorney, which is taken on record and stated that he has instructions to appear on behalf of the petitioner,.

3. It has been submitted by the learned counsel for the petitioner that the petitioner is in custody for 1 year and 10 months and it is a case where the challan was presented by the police after completion of investigation on 04.05.2022 and thereafter, the charges were framed on 23.09.2022 and till date only 2 out of 16 cited witnesses have been

examined. He further submitted that the allegation in the present FIR is that there was a land in the village owned by one Kahna Singh and he was not residing in the village and the co-accused had sold the aforesaid land by way of impersonation. He also submitted that the petitioner did not figure in the FIR neither is he the beneficiary of the sale nor there is an allegation of impersonation against him. He submitted that however the only allegation against the petitioner is that he had introduced the other co-accused, who was the proposed seller to the complainant and only because of this reason he has been implicated in the present case and thereafter, an allegation was made against the petitioner that he had received an amount of Rs.12 lacs.

4. Learned counsel for the petitioner further submitted that the petitioner has already faced incarceration for about 1 year and 10 months and the trial of the case is progressing and it is a case which is triable by the Magistrate and considering the alleged role of the petitioner in the present case and also the fact that the trial of the case may take a long time, the petitioner may be considered for grant of regular bail.

5. On the other hand, Mr. G.S. Sidhu, learned AAG, Punjab stated that it is correct that the petitioner is in custody for about 1 year and 10 months and as per the affidavit filed by the State, the role qua him was that he had introduced the other accused to the complainant because he was a property dealer and he also received his share of money of about Rs.8 lacs. He further submitted that the petitioner is involved in 3 more cases out of which in one case he has been acquitted and in another case, he is an under trial in a case under Section 323 IPC and in one more case which is still under investigation.

CRM-M-4509-2023 (O&M)

6. I have heard the learned counsels for the parties.
7. It is a case where the petitioner has already faced incarceration for about 1 year and 10 months and the present is a case which is triable by the Magistrate. The allegation qua the petitioner is pertaining to receiving of some money after introducing the co-accused with the seller. The mere pendency of some other cases against the petitioner cannot become a ground for denial of bail to the petitioner. Therefore, considering the aforesaid custody of the petitioner and the stage of the trial and also the fact that the present case is triable by the Magistrate, this Court deems it fit and proper to grant regular bail to the petitioner.
8. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.
9. 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.

01.12.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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