

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

CRM-M-9233-2022

DECIDED ON: 08.02.2023

SHAMER CHAND

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Shiv Kumar, Advocate for the petitioner.

Mr. Mohit Kapoor, Addl. AG, Punjab.

Mr. K.S. Brar, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.119, dated 30.09.2018, under Sections 420, 465, 467, 468, 471, 120-B of the IPC, 1860, registered at Police Station City Jalalabad, District Fazilka (Annexure P-1).

Learned counsel for the petitioner contends that the petitioner stood as a guarantee to the industrial loan which was advanced in the name of Raman Josan and Amandeep, who are partners in M/s Rishabh Rice Mill, Jalalabad.

The contention made by the learned Senior counsel is to the effect that the petitioner was not only the sole guarantor but alongwith certain other persons. He has referred to the self declaration made by Bhagat Ram (Annexure P-4), that he will be responsible for non-payment of the loan to the bank. It is further contended on behalf of the learned counsel for the petitioner

that only a part of his land and not the entire land, was sold by way of sale which has been recorded as a matter of fact.

Learned counsel for the petitioner further submits that as far as the question of forgery of bank clearance certificate at the time of effecting such sale is concerned it is a question which is to be dealt with during the course of trial by leading evidence as has been vehemently contended by the learned Senior counsel.

Learned state counsel submits that the petitioner is behind the bars since 05.02.2021 and no more custodial interrogation is to be made wherein investigation is complete, further the challan stands presented on 02.05.2022 to the Court below and the charges are yet to be framed.

Considering the fact that the investigation is complete, nothing is to be recovered from the possession of the petitioner, no interrogation is required and the petitioner has already suffered a custody period of more than one year added with the fact that the trial is likely to take some time as no PWs have been examined so far, the present petition deserves to be allowed.

Hence, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

08.02.2023

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>