

CRM-M- 10477-2023 (O&M)

2023:PHHC:
-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 10477-2023 (O&M)
Date of Decision: 08.05.2023

Gurwinder Singh

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Bhupinder Ghai, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 236 dated 03.10.2020, under Sections 420, 465, 467, 468, 471, 120-B IPC and subsequently added Section 201 IPC registered at Police Station Rajpura, District Patiala.

Learned counsel for the petitioner contends that the petitioner is in custody since 23.01.2021. He submits that the petitioner, who is none other than the son of Avtar Singh, the main accused in the FIR, is alleged to have transferred an amount of Rs. 25 Lacs in his account from the loan of Rs. 90 Lacs in the name of one Jarnail Kaur by mortgaging her land. He further contends that the main accused Avtar Singh have been granted regular bail by the Co-ordinate Bench vide order dated 24.01.2023 passed in CRM-M-47158-2022 and other co-accused Harbhajan Singh has been

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allowed anticipatory bail vide order dated 18.05.2022 in CRM-M-40136-2020. He also submits that the challan stands presented on 06.04.2021 and charges were framed on 21.10.2022 and out of total 15 witnesses none has been examined till date and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Reply has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature and he is an habitual offender as other cases are pending against him, however, he does not dispute the fact that the investigation is complete and the challan stands presented and the other co-accused have been allowed bail.

Confronted with the same, learned counsel for the petitioner submits that he is on bail in some of the cases and refers to the judgment rendered by the Apex Court in ***Maulana Mohd. Amir Rashdi vs. State of Uttar Pradesh and Another in Criminal Appeal No. 159 of 2012.***

I have heard learned counsel for the parties.

Petitioner is in incarceration since 23.01.2021.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the investigation is complete and the challan stands presented and co-accused have been granted bail and none out of total 15 witnesses has been examined till date and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

08.05. 2023
seema

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