

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104+
212/A

CRM-M-16747-2023 (O&M)
Date of Decision: 17.04.2023

Harjinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Ashok Paul Batra, Advocate for petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab

Lalit Batra, J.(Oral)

CRM-16095-2023

This application under Section 482 Cr.P.C. is for amendment/ correction of head note and prayer clause of main petition (CRM-M-16747-2023) thereby incorporating Section 120-B IPC.

Notice of application.

Learned State counsel accepts notice of the application and submits that he has no objection in case the application is allowed.

In view of above, necessary amendment is ordered to be made in the head note and prayer clause of the main petition.

CRM is allowed.

Main Case

Present petition under Section 439 Cr.P.C has been moved by petitioner – **Harjinder Singh** for grant of regular bail in case FIR No.02 dated 27.11.2020 under Sections 120-B, 420, 467, 468 and 471 IPC, registered at Police Station Punjab State Crime Police Station, SAS Nagar, District Crime Wing.

Learned counsel for the petitioner *inter alia* contends that allegedly petitioner had furnished fake and forged certificates to get employment, however, the version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further submits that petitioner was not named in the FIR and his name surfaced during investigation of the case. He further submits that no role has been attributed to the petitioner and nothing is to be recovered at his instance. He further submits that co-accused namely Harinder Singh, Manjit Singh, Mandeep Singh, Rajinder Kumar, Chamkaur Singh, Vijay Kumar, Jugmeet Raj and Salinder Kumar have already been extended concession of regular bail by this Court, vide orders dated 27.03.2023 passed in CRM-M-14543-2022, CRM-M-14940-2022 and CRM-M-14949-2022 respectively. He further submits that petitioner is languishing in custody since 23.01.2023 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report as envisaged under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and trial is yet to commence. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 23.01.2023; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner – **Harjinder Singh** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, S.A.S. Nagar, as the case may be.

(LALIT BATRA)
JUDGE

17.04.2023

Varinder Prashad

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No