

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

**CRM-M-31649-2022
DECIDED ON: 09.03.2023**

PREM SINGH MALANIA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Gourave Bhayyia, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. K. K. Saini, Advocate
for the complainant.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for grant of regular bail in case FIR No.0072, dated 12.06.2022 (Annexure P-1), under Sections 406 and 420 of the IPC, registered at Police Station Julkan, District Patiala.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that from the bare perusal of the FIR, it is abundantly clear that the payment has been received by Lalit Kumar and Sanjeev Kumar. It is also submitted that the cheques issued by the co-accused Sanjeev Kumar was dishonoured and the name of the petitioner has been roped in the present case as accomplice. Learned counsel has asserted that the petitioner has no role to play in either accepting the money or assuring job to the complainant.

Learned State counsel assisted by learned counsel for the complainant stated that the present petitioner was working as conduit in the nefarious work of procuring jobs for money and in this way has played an active role in commissioning of offence. Accordingly, prayer for dismissal of the present petition has been made.

As per the custody certificate filed by learned State counsel the petitioner has suffered incarceration for a period of 8 months and 25 days and is not involved in any other case of any nature whatsoever.

Considering the afore-said facts and circumstances and the period undergone by the petitioner so far added with the fact that nothing is to be recovered from the petitioner and the investigation is complete, wherein trial will take long time in all probabilities, this Court is of the view that no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The present petition is, therefore, allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court.

However, it is clear that anything stated therein, shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

09.03.2023

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