

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-35867-2022

Date of Decision: 1.5.2023

Sunil

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Mandeep Singh, Advocate for
Ms. Garima Sharma, Advocate,
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.10 dated 6.1.2022 registered for the offences punishable under Sections 379, 420, 411, 465, 467, 468, 471 IPC at Police Station Sector 5, Panchkula.

2. The allegations in nutshell are that the customer dropped cheque No.919704 for ₹ 2 lakh and another cheque No.268585 in the clearing box of Bank of Baroda, Sector 11, Panchkula but someone had taken away both the said cheques from the said clearing box and thereafter, misused the same.

3. Counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in the present case which was registered against unknown persons who committed theft of 2 cheques from the clearing box of the concerned bank. He further submits that the

petitioner is in custody for the last more than 1 year and it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be enlarged on bail.

4. Present petition is resisted by the State counsel who submits that after registration of the case, during investigation, it transpired that one of the cheques in question was deposited in the bank account of the mother of the petitioner and was later on, encashed. However, the State counsel on instructions from ASI Barjesh Kumar has not disputed the fact that the offences are triable by the Court of Judicial Magistrate, 1st Class and that the trial is at its initial stage and the petitioner is incarcerated for the last more than 1 year. State counsel further apprised the Court that the petitioner is also involved in two other cases out of which he has been granted bail in one case.

5. I have considered the submissions made by the counsel for the parties.

6. Undoubtedly, FIR in this case was registered against unknown persons who removed two cheques from the clearing box of the concerned bank and during investigation, the present petitioner was arrested and he is in custody for the last more than 1 year. After completion of investigation, the police has presented the challan and charges are framed but till date, only one prosecution witness has been examined out of total 20 witnesses.

7. It will take considerable time for conclusion of trial and all the offences are triable by the Court of Judicial Magistrate, 1st Class. Thus, no fruitful purpose is going to be served by keeping the petitioner in custody for any further period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 1, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No