

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-40697-2022 (O&M)

Date of Decision: 9.1.2023

Mandeep

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Brijesh, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

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.352 dated 5.8.2021 registered for the offences punishable under Sections 420, 467, 468, 471 IPC at Police Station Sector 5, District Panchkula.

Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and he is behind the bars for the last more than 5 months and is having no criminal history and after completion of investigation, challan has been presented and it will take time for the trial to conclude.

Present petition is resisted by the State counsel who on instructions from PSI Anil Kumar submits that certain vehicles involved in illegal mining were seized by the authorities and as per order passed by National Green Tribunal, they were to be released on *sapurdari* subject to deposit of specific amount proportionate to their value; that in the present

case, concerned owners of the vehicles in connivance with the petitioner and some other accused persons prepared forged invoices regarding purchase of said vehicles in which cost of the vehicles was undervalued. However, State counsel admitted that after completion of investigation, the police has presented the challan against all the accused persons including the petitioner.

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

Admittedly, all the offences are triable by the Court of Judicial Magistrate, 1st Class and as per the custody certificate furnished by the State counsel, custody of the petitioner comes out to be more than 5 months and he is not having any criminal antecedents. The police has already presented the challan after completion of investigation but it will take time for the trial to conclude.

In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

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 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

January 9, 2023

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No