

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

CRM-M-42752-2022 (O&M)

Date of decision: 17.03.2023

Hardev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sourabh Singla, Advocate for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

CRM-1149-2023

Application under Section 482 Cr.PC for placing on record copy of the order dated 02.03.2022 passed by the Ld. Additional Sessions Judge, Patiala as Annexure P-3, has been filed.

In view of the averments made therein, same is allowed.
Documents are taken on record. Office to tag the same at appropriate place.

CRM stands disposed of.

Main case

Petitioner has filed this petition under Section 439 Cr.P.C seeking regular bail pending trial in case FIR No.92 dated 05.05.2019 under Section 420 of Indian Penal Code, 1860 registered at Police Station Patran, District Patiala, Punjab, who is in custody since his arrest on 02.02.2022.

In terms of the order dated 24.11.2022, learned State counsel has filed the status report dated 03.02.2023, which is taken on record. Copy thereof has been supplied to the counsel for the petitioner.

The case of the prosecution is that the Manager of the Patran

Primary Co-operative Agricultural Development Bank reported to the police that in year 2004, Hardev Singh (petitioner) son of Kartar Singh, resident of Patran had taken a loan of Rs.4,00,000/- from the above bank by mortgaging his land measuring 20 Kanals at Village Gulhaar and after passing of the loan, the amount was disbursed to him. On 02.12.2004, the mortgage deed was executed but petitioner in connivance with the officials of Revenue Department did not get the entry of mortgage made in the revenue record and thereafter, he sold the said mortgaged property to Jeet Singh son of Gurbaksh Singh, resident of Gulhaar and has committed cheating with the bank. So after the investigation, FIR was registered and petitioner was arrested.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he is in custody for more than 01 year and 01 month and the investigation is complete; challan has been presented; charges have been framed; out of 23 prosecution witnesses only 01 has been examined as yet and the case is fixed for hearing on 20.03.2023 for the prosecution evidence. He further submits that the trial is likely to take considerable time to conclude and therefore, no fruitful purpose would be served in retaining the petitioner further in custody.

Per contra, the learned State counsel while filing the custody certificate of the petitioner submits that keeping in view the allegations in the FIR, the petitioner is not entitled for bail. He further submits that the petitioner is also involved in two other FIRs and two complaint cases under Section 138 of the Negotiable Instruments Act, 1881. However, he could not deny the fact that the petitioner is in custody for the last 01 year 01 month and 12 days and the trial is likely to take considerable time to conclude.

After hearing learned counsel for the parties, considering the above

background, custody of the petitioner which is 01 years, 01 month and 12 days; investigation is complete; challan has been presented; out of 23 witnesses only 01 has been examined as yet and the trial is likely to take considerable time to conclude. Therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody.

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 his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Accordingly, the present petition stands disposed of.

17.03.2023
Parveen kumar

(NAMIT KUMAR)
JUDGE

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