

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

CRM-M-46023-2022

Decided on:-18.04.2023

Shyam Lal

....Petitioner..

VS.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Pardhuman Garg, Advocate,
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA J. (Oral)

By way of present petition filed under Section 439 read with Section 437(6) Cr.P.C., prayer has been made for grant of regular bail pending trial in case FIR No.14 dated 25.10.2021, under Sections 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Vigilance Bureau FS-I, SAS Nagar, Mohali.

As per the allegations levelled in the FIR against the petitioner, certain forged and fabricated documents were attached along with the anticipatory bail application filed at his instance before the learned Additional Sessions Judge, SAS Nagar, Mohali in FIR No.6 dated 08.05.2021, under Section 7 PC Act, 1988 and amended by P.C. (Amendment) Act, 2018 and Sections 409, 420, 465, 467, 468, 471, 477-A, 201, 120-B IPC, registered at Police Station Vigilance Bureau Phase-I,

Punjab at Mohali.

Learned counsel for the petitioner submits that the petitioner has already suffered incarceration for a period of almost 1½ year now and the investigation in the present case already stands concluded with the filing of challan followed by framing of charges on 19.05.2022, however, none of the prosecution witnesses have been examined so far and, the trial is thus likely to take some time.

On the other hand, prayer made in the present petition has been opposed at the instance of learned State counsel while submitting that the petitioner tried to use forged and fabricated documents while filing anticipatory bail application before the court below. Referring to his antecedents, learned State counsel further submits that 12 other cases were registered against the petitioner, besides few other cases pending under the Negotiable Instruments Act and the Forest Act.

I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made on behalf of learned counsel for the petitioner.

Considering the fact that the petitioner is behind the bars for almost 1½ year now, the investigation in the present case already stand concluded with the filing of challan followed by framing of charges, however, none of the prosecution witnesses have been examined so far and trial is likely to take some time, as such, I do not find any reason to extend the incarceration of the petitioner any further, particularly, when he has already been granted the concession of regular bail by this Court in case FIR No.6, dated 08.05.2021, Police Station Vigilance Bureau, Phase-I, Punjab at

Mohali vide order dated 23.03.2023 passed in CRM-M-27966-2022 (O&M) followed by the fact that out of 12 cases, he already stands acquitted in 10 cases, whereas in remaining two cases, he has already been granted the concession of regular bail. More than that, for the purpose of granting bail in this case, the allegations levelled in the FIR in question are to be considered primarily.

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

18.04.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No