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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43807-2023
Date of decision: 11.09.2023

SUKHDEV RAJ

...Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Bikramjit Singh Randhawa, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.93 dated 04.04.2022, under Sections 420, 467, 468, 471 and 120-B of the IPC, registered at Police Station Civil Line, District Police Commissionerate, Amritsar, Punjab.

2. Learned counsel for the petitioner submitted that it is a case where the allegations against the petitioner were that he had fabricated some documents on the basis of which a loan was advanced by the bank. He further submitted that the petitioner has no criminal background and he is not involved in any other case and the present is a case which is triable by Magistrate. He further submitted that the investigation of the case has already been completed and challan stands presented. He also submitted that the petitioner is in custody from 13.04.2023 and no useful purpose will be served in case his further

custody is perpetuated and as the present case is triable by Magistrate, he may be considered for grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab, on instructions from ASI Harjinder Singh, submitted that it is correct that the petitioner is in custody from 13.04.2023 and the present case is triable by Magistrate and the petitioner has no criminal background.

4. I have heard the learned counsel for the parties.

5. The petitioner has already faced incarceration from 13.04.2023 and the present is a case which is triable by Magistrate. Investigation of the case has already been completed and challan stands presented and the petitioner is stated to be not involved in any other case. Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

11.09.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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