

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46853-2022 (O&M)

Date of Decision: 09.01.2023

Mangal Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vikas Gupta, Advocate, for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. Nukul Aggarwal, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present is a third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 21 dated 26.01.2021, under Sections 419, 420, 465, 467, 468, 171 and 120-B IPC, registered at Police Station Jandiala, District Amritsar Rural.

It has been submitted by the learned counsel for the petitioner that the petitioner had filed first bail petition which was dismissed as withdrawn on 19.01.2022 and his second bail petition was dismissed on 09.05.2022 only on the ground that he had filed the second bail petition after a gap of just three months. He submitted that now the present third successive bail petition would be maintainable due to two reasons. Firstly, the petitioner is in custody from 21.07.2021 which is more than 1 year and 5 months and after the presentation of challan, charges have now been framed on 23.11.2022. He further submitted that the present is case a which is

triable by Magistrate and therefore, he may be considered for the grant of regular bail.

Learned counsel has further submitted that the allegations in the present case were that the petitioner alongwith two more co-accused namely, Jasmeet Singh and Gurcharan Singh have made an agreement to sell with one Yashpal Sharma and co-accused Jasmeet Singh had impersonated himself to be the owner of the property as Manjeet Singh and had taken an amount of Rs. 48 lacs. He submitted that so far as the role of the present petitioner is concerned, he was alleged signatory as a witness to the agreement and even as per the allegations, the aforesaid Jasmeet Singh had taken the amount by way of cash. He further submitted that be that as it may, now the investigation of the case has been completed and even charges have been framed and the case is triable by Magistrate and therefore, he may be considered for the grant of regular bail.

On the other hand, Ms. Akshita Chauhan, learned DAG, Punjab has submitted that it is correct that the petitioner is in custody from 21.07.2021 and now charges have been framed on 23.11.2022. She submitted that the petitioner is involved in two more cases out of which one pertain to Excise Act and another pertain to Section 420 IPC.

Mr. Nukul Aggarwal, Advocate appearing on behalf of the complainant has submitted that since the petitioner is involved in two more case and there is apprehension that he may influence the witnesses and therefore, he may not be considered for the grant of regular bail.

I have heard the learned counsel for the parties.

It is a case where the petitioner has faced incarceration for more than 1 year and 5 months. The investigation of the case has already been

completed and charges have been framed on 23.11.2022. Although the present is a successive bail petition but considering the long custody of the petitioner and the fact that the investigation of the case has been completed and after the dismissal of the earlier bail petition now the charges have been framed by the learned trial Court and coupled with the fact that the present is a case which is triable by Magistrate, this Court deems it fit and proper to grant regular bail to the petitioner.

So far as the apprehension expressed by the learned counsel for the complainant that there is an apprehension that the petitioner may influence the witnesses appears to be without any basis since there is no material which is being placed on record by the complainant or so argued as to what was the material on the basis of which such an opinion has been formed by the complainant. The liberty of the petitioner cannot be jeopardized only on such a plea which is not substantiated by any document or any other sufficient material. Furthermore, it is not the case of the 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.

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

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

09.01.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No