

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

270

CRM M-46631 of 2023
Date of Decision: 25.09.2023

Satnam Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. H.P.S. Ghuman, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has moved the present petition under Section 439 Cr.P.C. with a prayer to grant the concession of regular bail to him in case FIR No. 71 dated 15.05.2023 under Sections 420, 465, 467, 468, 471 and 120-B IPC registered at Police Station Division No. 4, Lahori Gate, Patiala, District Patiala.

2. The FIR in the present case was got registered by Surjit Singh, who alleged that he had received a notice from the Court of ACJM, Patiala, that he had furnished bail bonds in favour of Hans Raj son of Sardari Lal in a case arising out of FIR No. 8 dated 21.01.2022 under Section 61-1-14, 78(2) of the Punjab Excise Act, Police Station Sadar Patiala. As per the said notice, the complainant was directed to appear in the Court on 15.05.2023. When he appeared in the Court, he was directed to deposit a sum of Rs. 35,000/-. He informed the Court

that he had not furnished any bail bonds. Later on, on inquiry, he came to know that Numberdar Bahadur Singh son of Hari Singh had identified some wrong person on his address and with fake photographs and documents, bail bonds were furnished in favour of Hans Raj. He also came to know that the petitioner Satnam Singh had impersonated him and prayed for action against him.

3. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 20.05.2023 and the challan is yet to be filed. Consequently, he would be entitled for the concession of the bail under Section 167 Cr.P.C. as well.

4. Learned State counsel also does not dispute the fact that the petitioner was arrested in the present case on 20.05.2023 and the period of 90 days had expired on 18.08.2023, however, learned State counsel submits that the appropriate action is being taken against the erring police officials, who had failed to present the challan in the present case.

5. I have heard counsel for the parties and perused the record.

6. It is not in dispute that the petitioner was arrested in the present case on 20.05.2023 and even after a period of 90 days, the challan could not be presented by the police in the present case, entitling the petitioner to the concession of the bail even under Section 167(2) Cr.P.C. Apart from that, all the offences are triable by

the Court of Magistrate and the trial may considerably take quite a long time.

7. In view of the above discussion, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

25.09.2023
amit rana

(N.S.SHEKHAWAT)
JUDGE

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