

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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2023:PHHC:138595

CRM-M-48252-2023

Date of decision: October 30th, 2023

Avtar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rohit Kaushik, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.5 dated 27.01.2021 under Sections 420, 465, 467, 468, 471, 120-B of the IPC registered at Police Station Banur, District Patiala.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner, who has been in custody since 23.06.2021, has been falsely implicated in the case in hand, which is evident from a perusal of the FIR, which has been annexed as Annexure P-1. It has been submitted that a perusal of the FIR in question reveals that there is no allegation levelled against the petitioner much less by way of a whisper and all the allegations are against his son Gurwinder Singh. It has been further submitted that after the charges were framed on 04.07.2022, only one prosecution witness (Bank Manager/complainant) had been examined and that too partly. Learned counsel submits that the trial is unlikely to conclude anytime in the near future and hence,

further incarceration of the petitioner in the circumstances would serve no useful purpose.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the petitioner was not named in the FIR in question. However, he submits that during investigation, the role of the petitioner came to light as he was the signatory to three *wasikas* pertaining to the land in question. He submits that in the circumstances, his involvement in the crime in question is writ large. He submits that six other cases are also registered against the petitioner.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 23.06.2021. Prosecution evidence is unlikely to conclude in the near future. In the circumstances, further incarceration of the petitioner, in a case triable by Magistrate, would serve no useful purpose. Thus, in the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 30th, 2023*Puneet***(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No