

CRM-M-50598-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-50598-2023
Date of Decision: 12.10.2023

Yaseen Mohammad Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vinod Bhardwaj, Advocate
for the petitioner.

Mr. G.S. Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.55 dated 11.06.2023, under Sections 419, 420, 467, 468, 471, 120-B IPC, registered at Police Station Phul, District Bathinda.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 23.06.2023, which is more than 3 months. He further submitted that the investigation of the case has already been completed and thereafter challan has also been presented before the competent Court. He also submitted that the allegations against the petitioner were that he was a property dealer and he was instrumental in executing the agreement to sell and he was neither a beneficiary nor was he in any way connected with the offence apart from the fact that as per the allegations, he was only a property dealer. He further submitted that the

other co-accused, who was also a property, namely, Beant Singh had filed a petition for grant of anticipatory bail and this Court had stayed the arrest of the petitioner vide Annexure P-5. He also submitted that it is a case which is triable by the Magistrate and although the petitioner is involved in two more cases but considering the stage of the present case where the investigation of the case has already been completed, he may be considered for the grant of regular bail.

3. On the other hand, Mr. G.S. Sidhu, learned AAG, Punjab has stated that it is correct that the petitioner is in custody for more than 3 months and the investigation of the case has been completed and thereafter, challan has also been presented before the competent Court. He further submitted that it is also correct that the present case is triable by the Magistrate.

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

5. The present is a case where the petitioner has faced incarceration for more than 3 months and as per the learned counsel for the parties, the investigation of the case has already been completed by the police and challan has also been presented before the competent Court. The allegations against the petitioner were pertaining to the fact that he was a property dealer and he was instrumental in getting the agreement to sell executed. One of the other property dealers, namely, Beant Singh has already been extended the benefit of interim order of stay of arrest by this Court vide Annexure P-5. The present is a case which is triable by the Magistrate and the trial of the case may take long time. Furthermore, it is neither the case of the State nor it has been argued by the learned State

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counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence.

6. In view of the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

12.10.2023 (JASGURPREET SINGH PURI)
Bhumika JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |