

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

CRM-M No.54584 of 2023
Date of decision: 7th November, 2023

Sanjeev Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ravneet S. Joshi, Advocate for the petitioner.
Mr. Digvijay Nagpal, Asst. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.159 dated 08.06.2023 under Sections 406, 420, 465, 466, 467, 468, 471, 474, 120-B of the IPC registered at Police Zirakpur, District S.A.S. Nagar Mohali.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand for allegedly preparing forged documents after using forged stamps of other finance Companies, and subsequently, duping people in the name of processing fees for their loans. He has further submitted that there is no specific allegation levelled against the petitioner, more less any monetary transaction alleged to have taken place in his bank account. While drawing the attention of this Court to the allegations levelled in the FIR,

which has been annexed as Annexure P-1, learned counsel has submitted that the case had been registered on the basis of a secret information, and there was no private complainant in the case at hand. Still further, even during investigation, no person had recorded his statement to the effect of being cheated by the petitioner. It has been further submitted that similarly placed co-accused have already been granted the concession of bail by this Court vide order dated 17.10.2023 (Annexure P-2). Learned counsel has urged that as many as 50 witnesses have been cited by the prosecution and the evidence is yet to commence, and thus, the trial is not likely to conclude in the near future. A prayer has, therefore, been made that in the circumstances further incarceration of the petitioner, who has now been in custody since 08.06.2023, would serve no useful purpose and thus, he be extended the concession of bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to controvert that investigation in hand is complete as challan stands presented and charges framed on 23.10.2023. It has also not been disputed by the learned State counsel that the petitioner is not involved in any other criminal case, much less a case of similar nature. However, learned State counsel submits that a secret information had been received qua the involvement of the petitioner along with his co-accused in the case in hand to the effect that they had been duping innocent people of lacs of rupees on the pretext of procuring loans after taking some fees for the same.

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

5. The petitioner has now been in custody since 08.06.2023 in a case triable by Magistrate. Investigation in the case at hand is complete as challan stands presented and charges framed. As many as 50 witnesses have been cited by the prosecution and the evidence is yet to commence, hence, the trial will take considerable time to conclude. In the facts and circumstances, as enumerated hereinabove, coupled with the fact that similarly placed co-accused have already been extended the concession of bail by this Court vide order dated 17.10.2023, this Court deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

November 7, 2023
rps

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