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

**CRM-M-57443-2022
Date of Decision: 31.01.2023**

Davinder Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Navraj Singh, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. Lakhvir Kumar, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.138 dated 16.09.2002, under Sections 406 & 420 IPC and Section 24 of the Immigration Act, registered at Police Station City Phagwara, District Kapurthala.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 06.10.2021, which is about 1 year and 3 months. He further submitted that investigation of the case has already been completed and thereafter, the trial has commenced. He also submitted that now 3 out of total 20 cited witnesses have already been examined and the present is a case which is triable by the Magistrate. He further submitted

that the allegation against the petitioner pertained to taking of Rs.6 lacs from the complainant for sending his son abroad. He also submitted that these allegations are false against the petitioner and in fact now the complainant has died and a compromise has been effected with the son of the complainant, who was also a victim as per the FIR vide Annexure P-1. He further submitted that the petitioner is not a habitual offender and is not involved in any other case and considering the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

On the other hand, Ms. Akshita Chauhan, learned DAG, Punjab has stated that it is correct that the petitioner is in custody since 06.10.2021 and is not involved in any other case and now 3 out of 20 cited witnesses have been examined.

I have heard the learned counsel for the parties.

The present is a case which is triable by the Magistrate and the petitioner has already faced incarceration for a period of 1 year and 3 months. The police has already completed the investigation and thereafter, trial has commenced and 3 out of 20 cited witnesses have already been examined. The petitioner is stated to be having clean antecedents and is not involved in any other case. Furthermore, it is neither the case of the State nor it has been argued by the learned State 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.

Therefore, 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.

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.

31.01.2023

(JASGURPREET SINGH PURI)

Bhumika

JUDGE

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