

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

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**CRM-M-839-2023 (O&M)
Date of decision: 02.02.2023**

Harjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. P.S. Dhindsa, Advocate for the petitioner.

Ms. Ishma Randhawa, Addl. AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this 2nd petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 263 dated 14.12.2021, registered under Sections 420, 465, 467, 468, 471, 120-B IPC, at Police Station City Hoshiarpur, District Hoshiarpur. The first petition was dismissed as withdrawn on 31.08.2022.

Status report by way of affidavit dated 02.02.2023 of the Deputy Superintendent of Police, Sub-Division City, District Hoshiarpur, submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner submits that the FIR was registered on the complaint of Chief Judicial Magistrate, alleging therein that a complaint titled as Baljinder Kaur Vs. Hardev Singh, is pending before the said Court, an application for acceptance of surety bonds was moved by co-

accused Manohar Singh through his counsel and the same was allowed; that the surety bonds furnished by Jaspreet Singh on behalf of Manohar Singh were attested by Manjit Singh, being Lambardar of Village Manawala, and witnessed by the petitioner; that the signatures of Patwari and Tehsildar on *Fard* were also forged; that the petitioner was neither forged any document nor he is a beneficiary in the present case; that the petitioner has falsely been implicated; that the allegation against the petitioner is that he has witnessed the bail bonds furnished by Manohar Singh, who has already been granted regular bail by this Court vide order dated 05.12.2022; that there is no other case pending/decided against the petitioner; that the petitioner has been in custody since 28.01.2022 and though the challan has been presented but the charges are yet to be framed.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the FIR was registered on the complaint of Chief Judicial Magistrate, Hoshiarpur and the petitioner has actively participated in the crime. Co-accused, Jaspreet Singh and Manjit Singh, are yet to be arrested. The case of Manohar Singh, who has already been granted regular bail by this Court vide order dated 05.12.2022, was totally on different footings. However, she does not dispute the custody period of the petitioner and that there is no other case against the petitioner. Learned State counsel further submits that charges are yet to be framed.

I have heard the learned counsel for the parties.

Admittedly the FIR was registered on the complaint of Chief Judicial Magistrate, Hoshiarpur, and the surety bonds were witnesses by the

petitioner but the fact remains that the petitioner has been in custody since 28.01.2022 and there is no other case against the petitioner. The charges are yet to be framed. Co-accused Manohar Singh has already been enlarged on bail. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

02.02.2023
Mangal Singh

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