

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.227

CRM-M-6395-2024 (O&M)
Date of decision : 19.03.2024

Bahadur Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Ashish Gupta, Advocate for the petitioner.

Mr. Kewal Singh, Addl. AG, Punjab.

Mr. Anoop Singla, Advocate for the complainant.

KIRTI SINGH, J. (Oral)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case FIR No. 0140, dated 12.09.2023, registered under Sections 408, 420 & 120-B of IPC at Police Station Jaitu, District Faridkot wherein the petitioner has been implicated with allegations of having assisted co-accused Deepu @ Jagjit Singh Brar in withdrawing Rs.2.35 lacs from the account of the complainant using cheques stolen by said co-accused.

[2] Learned counsel for the petitioner submits that the matter has been compromised with the complainant and a part payment of Rs.1,00,000/- has been made.

[3] On the other hand, learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner and submits that the petitioner was actively involved in the said offence and *prima facie* case exists against him. On instructions, he further submits that challan has been presented on 09.11.2023 and charges were framed.

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Out of total 10 prosecution witnesses, no prosecution witness has been examined till date.

[4] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

[5] In the present case, the petitioner is in custody since 13.09.2023 and investigation already stands concluded with the filing of challan followed by framing of charges. The petitioner is behind the bars for a period of more than 06 months and the trial may take some time.

[6] Considering the totality of the circumstances besides the investigation has also been concluded with the filing of challan followed by framing of charges and the petitioner is behind the bars since 13.09.2023, this Court does not deem it proper to extend the incarceration of the petitioner.

[7] In view of the above, but without commenting upon merits of the present petition, the same is allowed. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned.

[8] However, in case the petitioner indulges himself in similar kind of activity, the prosecution shall be at liberty to seek cancellation of the bail granted in favour of the petitioner in the present case.

[9] Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

19.03.2024

Ramandeep Singh

Whether speaking / reasoned
Whether ReportableYes/No
Yes/No