

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

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2024:PHHC:038689

CRM-M-8557-2024

Date of decision: March 18th, 2024

Rajan Babbar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.181 dated 13.04.2017 under Sections 419, 420, 465, 467, 468, 471, 120-B of the IPC, registered at Police Station Civil Lines, District Police Commissionerate Amritsar.

2. Learned counsel for the petitioner, *inter alia*, contends that after the petitioner was arrested on 24.09.2023, not only had the investigation been completed but challan also presented. Learned counsel while drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, has submitted that a perusal of the same clearly reveals that the petitioner has neither been named nor any overt act attributed to him by the complainant. Learned counsel has further asserted that the petitioner was not even a beneficiary of any payments, which were made by the complainant and all the allegations of fraud had been levelled against co-accused Hawa Singh. Learned counsel has submitted that the petitioner has been arraigned as

an accused only on account of he being an attesting witness to the agreement dated 07.11.2016 entered into between the complainant and co-accused Hawa Singh. It has further been submitted that since charges have not yet been framed, coupled with the fact that as many as 21 witnesses have been cited by the prosecution, there is no likelihood of the trial concluding in the near future. Hence, further incarceration of the petitioner, in the aforementioned facts and circumstances, would serve no useful purpose, more so since the case in hand rests on documentary evidence and thus, there cannot be any apprehension of the petitioner tampering with material evidence or trying to influence/intimidate the witnesses.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the investigation in the case in hand is complete as challan stands presented. It has also not been disputed that the only role attributed to the petitioner is of having attested the agreement entered into between the complainant and co-accused Hawa Singh.

4. On a pointed query put to the learned State counsel as to whether the petitioner has any criminal antecedents, he on instructions, has replied in the negative.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 24.09.2023 in a magisterial trial. The investigation in the case in hand is complete as challan stands presented. The case in hand rests on documentary evidence and hence, there is no possibility of the petitioner tampering with the material evidence collected by the investigating agency.

7. In the facts and circumstances as enumerated hereinabove, since the trial would take considerable time to conclude, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

March 18th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No