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2024:PHHC:026189

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9255-2024
DECIDED ON:26.02.2024

HARDEEP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Ms. Rishma Verma, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for the grant of regular bail to the petitioner in case FIR No. 290, dated 15.11.2022, under Sections 406, 420 IPC, registered at Police Station Tanda, District Hoshiarpur.

2. It has been argued by learned counsel for the petitioner that the FIR contains a concoction of story at the hand of the complainant wherein, the dispute is of civil nature. Petitioner's father and his wife has already filed a civil suit against the complainant before the competent court of law on account of taking signatures on a blank papers, which have been misused by the complainant. Though not even a single penny has been received by the petitioner. It is highly improbable that a person would pay an amount of Rs.12,00,000/- in cash, who is having no means to

show the same and even the entry of the said amount has not been reflected in his income tax return.

3. On the other hand learned State counsel has produced the custody certificate of the petitioner, which is taken on record. According to which the petitioner has suffered incarceration for a period of 3 months and 4 days as of now and is person of clean antecedents.

4. Considering the afore-said facts and circumstances added with the fact that charges stands framed on 06.02.2024 and out of total 13 prosecution witnesses none has been examined so far, meaning thereby, the conclusion of trial would take considerable time, this Court is of the considered opinion that no fruitful purpose would be served by detaining the petitioner for an indefinite period. which would tantamount to infringe his right to life and liberty as envisaged under Article 21 of the Constitution of India as well as right for speedy trial and expeditious disposal. Even otherwise considering the basis principle criminal jurisprudence i.e. “bail is rule and jail is an exception”, the petitioner is ordered to be released of regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

5. In the afore-said terms, the present petition is, hereby, allowed.

6. However, it is made clear that anything stated hereinabove, shall not be construed as an expression of opinion on the merits of the case.

26.02.2024

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

(SANDEEP MOUDGIL)
JUDGE