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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16850-2024(O&M)

Date of Decision: 15.04.2024

Gurcharan Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.S. Nagra, Advocate, for the petitioner.

Mr. Adeshwar Singh Pannu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.184 dated 23.08.2023, under Sections 420, 465, 467 and 468 IPC, registered at Police Station City 2 Mansa, District Mansa.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for 6 months and 16 days and it is a case which is triable by Magistrate. He submitted that the investigation of the case has already been completed and thereafter, challan has been presented before the competent Court on 23.11.2023. He submitted that the allegations against the petitioner were that he was instrumental in getting a power of attorney executed in a fabricated fashion and he was also shown in the photograph which was taken at the time when the execution had taken place before the Tehsildar. He submitted that the aforesaid fabrication was not in the

knowledge of the present petitioner and even otherwise also, the investigation of the case has already been completed and he has also faced incarceration for more than 6 months and the present case is triable by Magistrate and therefore, the petitioner may be considered for the grant of regular bail. He also submitted that petitioner is not involved in any other case and has got clean antecedents.

3. On the other hand, Mr. Adeshwar Singh Pannu, learned AAG, Punjab has submitted that it is correct that the petitioner is in custody for more than 6 months and investigation of the case has already been completed and thereafter, the challan has been presented before the competent Court. He also submitted that the present case is triable by Magistrate and the petitioner is not involved in any other case and has got clean antecedents.

4. I have heard the learned counsels for the parties.

5. The petitioner is in custody for more than 6 months. The challan has already been presented after the completion of investigation. The petitioner is stated to be not involved in any other case, as per learned counsel for the parties. The present case is triable by Magistrate. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the

satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

15.04.2024

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No