



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

245

CRM-M-21728-2024**Date of decision: May 07, 2024**

SEWA SINGH @ SUKHDEV SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Davinder Singh, Advocate
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.76 dated 07.05.2023 (Annexure P-1) under Section 379 of the Indian Penal Code, 1860 (and Sections 411, 201, 467, 468, 472 IPC added later on), registered at Police Station City Rupnagar, District Rupnagar.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case on the basis of a disclosure statement suffered by co-accused Jaspal Singh, who stated that the petitioner had been forging and fabricating fake Registration Certificates of stolen vehicles. Learned counsel submits that the evidentiary value of the disclosure statement, on the basis of which he has been arrayed as an accused in the present FIR, is of weak nature, and furthermore, since only 3 witnesses out of the 19 cited by the prosecution have been examined till date, further incarceration of the petitioner would serve no useful purpose as the likelihood of the trial concluding in the near future does not seem probable.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute the factual aspect of the role attributed to the petitioner; it has also not been disputed that the case in hand *qua* the petitioner rests on documentary evidence and the complainant stands examined. Learned State counsel, on further instructions, has informed the Court that the next date fixed before the



learned trial Court is 08.05.2024, when some of the remaining prosecution witnesses are likely to be examined.

4. Learned State counsel has also submitted that the petitioner is involved in 4 other cases, however, admittedly he is on bail in those cases. The petitioner has been in custody since 15.12.2023 in a case triable by Magistrate and furthermore, only 3 out of 19 prosecution witnesses have been examined, thus, there is no possibility of the trial concluding in the near future.

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

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to allow the instant petition and extend the concession of regular bail to the petitioner.

7. The petition as such is allowed, and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

8. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

May 07, 2024

Jaspreet Kaur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(MANJARI NEHRU KAUL)

JUDGE