

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-26905-2023
Date of decision: 31.01.2024

Mangat SinghPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Jaideep Verma, Advocate,
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

- 1. Custody certificate dated 30.01.2024 filed by learned State counsel is taken on record.
- 2. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
0195	12.05.2021	420, 465, 467, 468, 471, 473 and 120-B IPC	Sohana, SAS Nagar, Mohali, Punjab.

- 3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated

in this case. He contends that the petitioner is in custody since 21.06.2021 and the challan has already been presented in the Court.

4. Learned counsel for the petitioner further contends that the other co-accused have already been granted concession of bail and the petitioner aged about 63 years is languishing in jail. As such, he prays for grant of regular bail.

5. On the other hand, learned State counsel, has opposed the request by submitting that the petitioner by impersonating one Kesar Singh has entered into an agreement and received amount from the complainant, as such, he is not entitled for concession of regular bail. He, however, admitted that challan has been presented in the Court and out of 17 witnesses, cited by prosecution, only 02 witnesses have been examined as of now.

6. Briefly stated that case of the prosecution is that the petitioner along with the co-accused had committed fraud with the complainant by impersonating one Kesar Singh, the original owner of the property and received the sale consideration on the basis of agreement to sell, so executed, by the accused. Admittedly, other co-accused have since been granted concession of bail; the petitioner is in custody since 21.06.2021 and out of 17 witnesses, cited by the prosecution, only 02 witnesses have been examined till date. The criminal liability, if any, of the petitioner can only be ascertained after the conclusion of trial which may take sufficient long time and in these

circumstances, as observed, no purpose would be served in keeping the petitioner in custody any longer to face the incarceration till the conclusion of trial. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

7. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

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

9. Petition stands allowed.

31.01.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |