



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-28799-2024 (O&M)  
Date of decision : 23.08.2024

Jasminder Singh ... Petitioner

Versus

State of Punjab ...Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. G.S. Salaria, Advocate for  
Mr. F.S. Virk, Advocate for the petitioner.

Mr. Brijesh, AAG Punjab for the respondent.

ALKA SARIN, J. (ORAL)

1. This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.193 dated 13.09.2022 under Sections 406 and 498-A of the Indian Penal Code, 1860 registered at Police Station Sarabha Nagar, District Ludhiana.
2. The first petition being CRM-M-5351-2023 filed by the petitioner was dismissed as withdrawn vide order dated 05.07.2023.
3. Learned counsel for the petitioner would contend that though the FIR has been registered under Sections 406 and 498-A IPC, however, there is not a single allegation made out under said sections. Rather, the case is that the petitioner herein, who is the brother-in-law of the complainant, had entered into a settlement with the complainant and had given her a cheque of Rs.13 lacs. However. due to the fact that instead of writing Rs.13

lacs in words he wrote Rs.13,000/- and hence the cheque was dishonoured.

It is further the contention that the challan stands presented and the petitioner has been in custody for a period of 09 months and 04 days.

4. *Per contra*, learned counsel for the respondent is not in a position to dispute the fact that there are no allegations *per se* in the FIR qua offences under 406 and 498-A IPC. Learned counsel for the respondent has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 09 months and 04 days.

5. Heard.

6. In the present case, prima facie reading of the FIR reveals that though the same has been lodged under the provisions of 406 and 498-A IPC, however, there is no allegation made out under the said sections. As per the custody certificate, the petitioner has been in custody for a period of 09 months and 04 days and there is no other case pending against him. After presentation of challan, trial is pending for prosecution evidence and the same is likely to take some time to conclude. No useful purpose would be served by keeping the petitioner behind the bars any further.

7. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds with heavy surety to the satisfaction of the Trial Court/Illaq Magistrate concerned.

8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

9. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

10. Disposed off. Pending applications, if any, also stand disposed off.

23.08.2024  
Ankur

**(ALKA SARIN)**  
**JUDGE**

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO