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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-34614-2023(O&M)
Date of decision:- 29.01.2024

SANDEEP SINGH

....Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Abhishek Sharma, Advocates
for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.

SANJIV BERRY, J. (ORAL)

CRM-53459-2023

1. Application under Section 482 Cr.P.C has been filed by the
learned counsel for the petitioner for placing on record Annexure P-3 to P-6.
2. Application is allowed and Annexure P-3 to P-6 are taken on
record.

Main case

The instant second petition has been preferred by the petitioner
under Section 439 of the Code of Criminal Procedure for grant of regular in
the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
66	01.06.2023	406 and 420 IPC	Division No.2, Police Commissionerate Jalandhar, District Jalandhar.

2. 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 submits that no specific overt act has been attributed to the petitioner in the entire transaction and the challan has already been presented in Court, as such he prays for grant of concession of bail on the ground that co-accused Prince has already been granted concession of anticipatory bail in this case vide order dated 05.12.2023 (Annexure P-5).

4. Learned State counsel on the other hand submits that considering the nature and gravity of the offence, petitioner is not entitled for concession of bail and prays for dismissal of the bail petition. However, he has not controverted the factual matrix of the case.

5. After considering the rival contentions and perusing the record, it transpires that the allegations leveled in the FIR are that the complainant had approached the petitioner for loan which he had told that loan cannot be sanctioned to the complainant considering his eligibility and it was at that stage co-accused Prince had assured that complainant can get loan from HDFC Bank. It is alleged that the petitioner and co-accused had got sanctioned loan to the tune of ₹70,000/- each in the name of the complainant and his wife. It is debatable, as to how the loan was sanctioned without the consent of the complainant and his wife and whether the said amount was utilized by the accused. Admittedly, there is no other criminal case pending against the petitioner, after completion of investigation, challan has been presented in Court and the criminal liability, if any, of the petitioner will be ascertained after conclusion of trial, in the present case triable by the Court

of Magistrate, which may take sufficient long time and no useful purpose would be served by keeping the petitioner behind bars any longer

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

29.01.2024

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