

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.54620 of 2021
Date of decision: 4th January, 2024

Harpartap Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jagjit S. Gill, Advocate for the petitioner.

Mr. APS Tung, Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.12 dated 27.02.2020 under Sections 420, 167, 120-B IPC registered at Police Station Rajasansi, District Amritsar Rural.

2. Learned counsel for the petitioner inter alia contends that in a case triable by Magistrate, the petitioner has been in custody for more than 2 years, having been arrested on 08.10.2021. Learned counsel submits that 8 prosecution witnesses still remain to be examined, and hence, there is no likelihood of the trial concluding in the near future, coupled with the fact that since the case rests on documentary evidence, further incarceration of the petitioner would serve no useful purpose and there could be no possibility of the petitioner trying to tamper with the

evidence or even to influence the witnesses to depose in his favour. A prayer has therefore, been made for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Sukhwant Singh, has submitted that the petitioner along with his wife and the Area Patwari forged certain documents pertaining to some agricultural land, on the basis of which then they managed to procure a loan from the Bank. On a pointed query put to the learned State counsel, he has not disputed that the petitioner is not involved in any other criminal case, much less a case of similar nature. It has also been brought to the notice of this Court by the learned State counsel that co-accused Halqa Patwari had already been extended the concession of anticipatory bail by this Court vide order dated 10.08.2020 (Annexure P-3). Learned State counsel, on further instructions, has also not disputed that all the material witnesses in the case in hand stand examined, however, 8 prosecution witnesses still remain to be examined.

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

5. The petitioner has now been in custody since 08.10.2021 and there is no likelihood of the trial concluding in the near future as 8 witnesses out of the 16 cited by the prosecution still remain to be examined. In addition to this, all the material witnesses already stand

examined. In the facts and circumstances, as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioner. 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.

(MANJARI NEHRU KAUL)
JUDGE

January 04, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No