

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-50408-2023
Date of decision: 20.03.2024

Jagroop Singh.....Petitioner.

Versus

State of Punjab....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Navinder Jit Singh Dandiwal, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

None for the complainant.

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SANJIV BERRY, J. (ORAL)

1. 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
37	15.04.2022	420, 467, 468, 471, 120-B IPC	Badhani Kalan, District Moga.

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner has been in custody since 24.04.2023 in the present case triable by the Court of Magistrate. He contends that the challan in this case has already been presented in the Court and trial has

started during the course of which application under Section 319 Cr.PC has been moved.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in this case in fact the younger brother of the petitioner, namely Buta Singh, has executed a registered *Will* in favour of the petitioner out of love and affection as the petitioner was serving the deceased. However, a false case has been planted on the petitioner by the complainant in connivance with the police. Hence, prays for grant of regular bail.

4. Per contra, learned State counsel has not disputed the factual matrix of the case and has submitted that allegations against the petitioner are that he had forged and fabricated the *Will* purportedly executed by Buta Singh. He further admitted that after completion of investigation challan has already been presented in the Court and during the course of trial, the complainant has moved an application under Section 319 Cr.PC which is still pending and the next date fixed in this case is 30.04.2024.

5. After considering the rival contentions and perusing the record, it transpires that the petitioner is in custody since 24.04.2023, challan in this case has already been presented in the Court, as such, the petitioner is no more required for further investigation. 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.

6. 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.

7. 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.

8. Petition stands allowed.

20.03.2024
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(SANJIV BERRY)
JUDGE

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