

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57615-2023
DECIDED ON: 16.01.2024

LOVEJEET SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Anmol Pratap Singh, Advocate
for the petitioner.

Mr. H.S. Sitta, DAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.73, dated 29.03.2021, under Sections 419, 420, 465, 467, 468, 471 and 120-B of IPC, 1860, registered at Police Station Civil Lines, Amritsar, District Amritsar.
2. Learned counsel for the petitioner contends that the dispute revolves around sale and purchase of land measuring 26.5 marlas, which has been given a colour of criminal prosecution, as the same is arising out of a contractual obligation among the parties to the lis.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 5 months and 9 days.
4. Considering the custody period suffered by the petitioner i.e., 5 months and 9 days; the allegations with regard to the fabrication and forged power of attorney is a matter of trial, which is to be provided by leading evidence for which

the investigation is already complete and the petitioner is a person of clean antecedents, who is not involved in any other case apart from the fact that trial will certainly take long time, as after filing of challan, even the charges have not yet been framed, no useful purpose would be served by keeping the petitioner behind the bars, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “bail is rule and jail is an exception”.

5. In the light of above, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.
6. The present petition is, hereby, allowed.
7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

16.01.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

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