

2024:PHHC:164567



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

320/2

CRM M-54361 of 2024
Date of Decision: 10.12.2024

Balraj Singh		...Petitioner
	Versus	
State of Punjab		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Rajpal Singh Kalra, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

Mr. Sanjiv Gupta, Advocate
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant a regular bail in case FIR No.0229 dated 31.08.2023 registered under Sections 408, 420, 465, 468, 471 IPC (offences under Sections 419, 467 and 120-B IPC added later on) at Police Station Patran, District Patiala.

2. Learned counsel for the petitioner contends that the petitioner's name was not mentioned in the FIR and even during the course of the investigation, no evidence could be collected against him. He further submits that all the allegations in the FIR were

primarily levelled against Daya Singh, principal accused and Daya Singh has already been granted the concession of bail. He further contends that only allegation against the petitioner is that he had allegedly presented a cheque of Rs. 25 lacs, which was not issued in his favour. However, during the course of investigation, the entire documentary evidence has already been collected by the police. The petitioner was arrested in the present case on 26.07.2024 and after completion of the investigation, the challan has already been presented against him. He further contends that no witness has been examined so far and the conclusion of the trial may take quite a long time.

3. On other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner is a habitual offender and is involved in two more criminal cases.

4. Learned counsel for the complainant has submitted that the present petitioner and Daya Singh had illegally taken away several cheques and the cheques have been presented for encashment before different branches. Thus, keeping in view the seriousness of the offence, the petition is liable to be dismissed by this Court.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the petitioner is in custody for the last more than 04 months and the investigation has already been concluded. Further, the trial is yet to start and being a magisterial trial, there are no chances of early conclusion of the trial.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

10.12.2024

amit rana

(N.S.SHEKHAWAT)

JUDGE

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