

CRM-M-60003 of 2023(O&M)

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2024:PHHC:007663

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-60003 of 2023(O&M)

Date of decision:- 18.01.2024

MANJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Neeraj Madan Advocate forcibly
Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Harpreet Singh, Addl. AG. Punjab.

SANJIV BERRY, J. (ORAL)

CRM-1991-2024

1. The instant petition under Section 482 Cr.P.C. has been filed by the petitioner for placing on record amended petition after addition of offences u/s 417 & 465 IPC in the head note as well as prayer clause of the main petition.

2. Heard.

3. Keeping in view the averments made in the application, the same is allowed and amended petition after addition of offences u/s 417 & 465 IPC in the head note as well as prayer clause of the main petition is ordered to be taken on record.

4. Registry to do the needful.
5. CRM stands disposed of.

MAIN CASE

1. Learned counsel for the State filed status report dated 10.01.2024 of Deputy Superintendent of Police, City-1, SAS Nagar, the same is taken on record. Copy thereof has been supplied to the counsel opposite.
2. The instant 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
182	04.10.2023	417, 419, 420, 465 & 120-B IPC (468 and 471 of IPC added lateron)	Mattaur, District SAS Nagar

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on the basis of supplementary statement given by the complainant. He submits that the petitioner was arrested in this case on 05.10.2023 and since then he is in custody and the investigation has been completed by the police, as such he is not required for further investigation in the matter, as such he prays for grant of concession of bail to the petitioner.
4. *Per contra* learned State counsel has submitted that there are allegations against the petitioner of having appeared in the examination in place of one Sukhdev Singh. He submits that although the petitioner was not arrested at the spot but was nominated on the basis of supplementary

statement made by the complainant and after completion of investigation challan has already been presented in Court.

5. After considering the rival contentions and perusing the record, it transpires that the petitioner was not apprehended on the spot but was nominated on the basis of supplementary statement of the complainant. He is in custody since 05.10.2023, challan has already been presented in the case triable by the Court of Magistrate. The conclusion of trial to ascertain the criminal liability, if any, of the petitioner will 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

18.01.2024

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