



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M -61848-2023
Date of Decision : **July 25, 2024**

NIRPJEET SINGH ALIAS HAPPY

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. S.S.Maini, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.118 dated 31.8.2023, under Section 420 IPC, registered at Police Station Sadar Kotakpura, District Faridkot.

2. The allegation against the petitioner is that he duped the complainant for Rs.5,50,000/- on the pretext of getting work visa in Canada.

3. Learned counsel for the petitioner in the asking for the relief submits that the petitioner is behind the bars since 24.9.2023 and the trial is still at the initial stage. He further submits that all the offences under which the petitioner is facing trial are triable by the learned Judicial Magistrate 1st Class concerned and the maximum punishment for which he is being tried, is prescribed 3 years.



4. On the other hand, the learned State counsel citing the criminal antecedents of the whereby the petitioners have been declared as a proclaimed offender submits that he is a habitual offender and is involved in five more cases and out of five, three cases are similar in nature. He further submits that the investigation in the instant case has already been completed and the learned trial Court concerned has framed charges way back on 22.9.2023 and out of 7 cited prosecution witnesses, the examination-in-chief of 3 has been completed.

5. This Court has considered the rival submissions of the learned counsel for the parties concerned.

6. Considering the fact that the petitioner has suffered incarceration of about 10 months as on today and out of 7 prosecution witnesses, the examination-in-chief of 3 witnesses has been completed and all the offences under which the petitioner is facing trial, are triable by the learned Judicial Magistrate 1st Class concerned, this Court is of the opinion that the conclusion of the trial would take time. So far as the pendency of the other criminal cases is concerned, that may not be considered to be a legal impediment considering the fact that the petitioner has suffered sufficient incarceration in the instant case and he cannot be kept behind the bars for indefinite period especially in the facts and circumstances

of the present case.

7. In view of the above discussion, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

8. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

July 25, 2024
ajay-1

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No