

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107+231

CRM-M-62887-2023 (O&M)

Date of decision: 28.02.2024

Sandeep

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Tanu Bedi, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-7886-2024

For the reasons mentioned in the application, the same is allowed and the petitioner is exempted from filing certified/true typed copies of Annexures P-11 to P-13, copies of which are taken on record subject to all just exceptions.

CRM-M-62887-2023

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.117 dated 03.04.2021 under Sections 419, 420, 467, 468, 471 of the IPC (Section 201 of the IPC added lateron) and Section 66(C) & 66(D) of the Information Technology Act, 2000 registered at Police Station Sohana, District SAS Nagar.

2. Learned counsel for the petitioner submits that in a magisterial trial the petitioner has been in custody since 05.01.2022 and the charges were framed as recently as on 16.02.2024. Hence, the trial

would take considerable time to conclude as 08 witnesses have been cited by the prosecution. Learned counsel has also brought to the notice of this Court that though a case had been registered against the petitioner at Uttrakhand, however, it was a matter of record that he had since earned an acquittal in that case on 28.03.2023. In support, she has drawn the attention of this Court to Annexure P-4.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Om Prakash, has not been able to dispute the submissions made by learned counsel for the petitioner qua the custody of the petitioner and the stage of trial. It has also not been disputed that all the offences for which the petitioner has been charged with, are triable by Magistrate. Learned State counsel has, however, reiterated that the petitioner along with the co-accused had cheated the complainant of a sum of Rs.18,66,184/-. It has also not been disputed by the learned State counsel on instructions that the matter stands compromised between the co-accused and the complainant leading to the quashing of the FIR in question qua them.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 05.01.2022 in a magisterial trial. None of the 08 prosecution witnesses have been examined so far. Hence, the trial would take considerable time to conclude. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner

be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

28.02.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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