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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-63579-2023 (O&M)

Date of Decision: 25.01.2024

Arshpreet Singh @ Arshdeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. K.S. Brar, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.200 dated 04.10.2022 registered under Sections 406, 420, 120-B & 201 IPC at Police Station, Sadar Kharar, District SAS Nagar.

Custody certificate dated 23.01.2024 issued by Deputy Superintendent, New District Jail, Nabha is taken on record.

2. Petitioner along with his co-accused is alleged to have deceived the complainant of Rs.70,00,000/- on the pretext of getting him inducted in the government job, but neither the job was given; nor the amount was refunded.

3. Learned counsel for petitioner contends that two of co-accused, namely, Vijay Kumar & Parabhjit Singh @ Prabhjit Singh have already been granted the concession of bail pending trial by this Court vide order(s) of even date (25.01.2024). Petitioner is in custody since 28.10.2022. Charges were framed on 14.06.2023 and out of 27 prosecution witnesses, none has been examined so far; thus, conclusion of trial will take sufficient long time.

4. Learned State counsel, upon instructions, is not able to controvert the aforesaid factual position.

5. Heard learned counsel for both the sides and perused the paper book.

6. Concededly, co-accused Vijay Kumar & Parabjit Singh @ Prabhjit Singh with similar allegations have already been granted the concession of bail pending trial by this Court vide order of even date (25.01.2024). The trial is yet to commence as out of 27 PWs, none has been examined so far; thus, it can be inferred that conclusion of trial will take sufficient time. Petitioner is stated to be in custody since 28.10.2022. There is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in any manner, in case he is released on bail. Thus, Keeping the petitioner in custody any further would not serve any purpose.

7. Consequently, the present petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

9. The above observations may not be construed as an expression of opinion on the merits of the case.

10. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order. Also clarified that non-appearance of petitioner before the learned trial Court shall be construed as misuse of the concession.

11. Pending criminal misc. application(s), if any, shall also stand disposed off.

25.01.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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