
(2018) 04 P&H CK 0448

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 15258 Of 2018

Parminder Singh @ Parminder Singh Sodhi

APPELLANT

Vs

State Of Punjab

RESPONDENT

Date of Decision : 30-04-2018

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 173, 439

Indian Penal Code, 1860 — Section 120B, 406, 420, 465, 467, 468, 471

Negotiable Instruments Act, 1881 — Section 138

Citation : (2018) 04 P&H CK 0448

Hon'ble Judges : Mahabir Singh Sindhu, J

Bench : Single Bench

Advocate : Baljit Maan, Harbir Singh Sandhu, Ankur Bansal

Judgement

Mahabir Singh Sindhu, J.

This petition has been filed by the petitioner under Section 439 of the Criminal Procedure Code ('Cr.P.C.' - for short) for grant of regular bail in FIR No.227 dated 23.10.2017 under Sections 406, 420, 465, 467, 468, 471, 120-B of the Indian Penal Code ('IPC' - for short) registered at Police Station Division No.1, Jalandhar, Punjab.

It is contended by learned counsel for the petitioner that he is in custody since 28.11.2017 and the report under Section 173 of the Cr.P.C. in this case was submitted on 26.2.2018 and till today charges have not been framed. It is further contended that the petitioner is only a marginal witness and not beneficiary. It is also contended that as per the allegations in the FIR, the amount in question was received by co-accused namely Ramandeep Singh and even one of the co-accused, namely, Narender Singh had issued four cheques amounting to `1.30 crores in favour of the complainant and the same were dishonoured and consequently complaints under Section 138 of the Negotiable Instruments Act, 1881 ('Act' - for short) were filed and which are still pending.

On the other hand learned State counsel has opposed the bail application on the ground that the petitioner is an habitual offender and there are other cases of similar nature pending against him and he does not deserve the concession of regular bail and prayed for dismissal of the same. On the similar lines learned counsel for the complainant has also opposed the bail application.

Again the learned counsel for the petitioner has submitted that in all those cases, the petitioner is on bail, except one.

The above facts are neither disputed by learned State counsel; nor by learned counsel for the complainant.

Heard both sides.

Undisputedly no amount in the present case was received by the present petitioner and if at all, as per the allegations in the FIR and agreement dated 01.10.2015 (P-2) the same was received either by co-accused Ramandeep Singh or Narender Singh and no material has been shown to this Court to substantiate that petitioner is the beneficiary or he received the alleged amount. The present is a Magisterial trial and even charges in this case have not been framed by learned trial Court till today. Thus conclusion of trial is likely to take a long time, hence no useful purpose would be served by keeping the petitioner behind the bars. Consequently, this Court is of the view that it would be just and appropriate if the concession of bail is granted to the petitioner. Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Parminder Singh @ Parminder Singh Sodhi be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court / Duty Magistrate, Jalandhar.