

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

CRM-M-3225-2018

Date of decision:-10.5.2018

Lakhwinder Singh @ Bittu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Gulzar Mohd., Advocate
for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Lakhwinder Singh @ Bittu – an accused in FIR No.315 dated 17.11.2016, under Sections 406, 420 IPC, registered at Police Station City Khanna, Police District Khanna, District Ludhiana.

Briefly stated, the prosecution story is that the complainant Avtar Singh had submitted a written complaint dated 20.6.2016 to the police alleging therein that petitioner Lakhwinder Singh @ Bittu has been working as a travel agent giving allurements to the people to send them abroad and getting huge amounts from them. The matter was inquired into. Formal FIR was registered. The petitioner-accused was arrested on

16.4.2017 and after completion of investigation, he was sent up to face trial. He had filed an application under Section 437(6) Cr.P.C. in the trial Court, which was declined by Sub Divisional Judicial Magistrate, Khanna, vide order dated 24.11.2017, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Report from the trial Court was sought, in terms of which so far only examination-in-chief in part of one prosecution witness has been recorded. If we see the pace at which the trial is going on, its conclusion is likely to take considerable time. The petitioner accused is behind bars for more than one year.

As such, without expressing any opinion on the merits of the case, the petition is allowed and the petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court, subject to the following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the Court.

The Court accepting bonds would ensure that two local sureties who are financially sound having immovable properties within jurisdiction of the district furnish the bonds. The petitioner be asked to surrender his passport. In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

10.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No