

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

CRL. MISC. No.M-33846 OF 2017
DATE OF DECISION : 27th MARCH, 2018

Sukhwinder Singh & others

.... Petitioners

Versus

State of Punjab & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. R.V. S. Chugh, Advocate the petitioner.

Mr. H. S. Sullar, Deputy Advocate General, Punjab.

Mr. J. S. Dhaliwal, Advocate for respondent No.2.

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A. B. CHAUDHARI, J. (ORAL)

This is petition under Section 439(2) Cr.P.C. for the cancellation of regular bail to respondent No.2 vide CRM-M No.30877 of 2016 in case FIR No.38 dated 10.05.2016 registered under Sections 406, 420, 467, 468, 471 & 120B IPC at Police Station Sardulgarh, District Mansa.

The petitioners in this petition were originally the complainants in the aforesaid FIR. It is their case that they were duped by respondent No.2 with huge sums running in lacs of rupees on the false promise of repayment of amounts by multiplying the same. According to the petitioners, respondent No.2 formed a company by the name and style of Krishna Enterprises and duped several persons. Pursuant to the FIR

and upon investigation police had arrested respondent No.2 and was lodged in jail.

Respondent No.2 filed CRM-M- No.30877 of 2016 pressing for regular bail. This Court ordered grant of regular bail on 18.01.2017 by observing that the FIR case in question was triable by Magistrate and, therefore, it was not necessary to put the petitioner in jail *ad infinitum*.

This Court had not imposed any condition on respondent No.2 at that time. Now the grievance of the petitioners is that respondent No.2 has been threatening the petitioners with dire consequences if they give their evidence against him in the Court. Respondent No.2 resides at the same place at which the petitioners reside. According to the petitioners, respondent No.2 is an influential person in the area and despite making report to the police the petitioners are facing life threats from respondent No.2.

The stand of the State is that inquiry was made but there is no substance found in the grievance of the petitioners.

It appears from the record that respondent No.2 has been facing allegations from number of persons that he had taken money from the gullible investors and practiced fraud on them. That is of course the allegation by the prosecution which is yet to be proved but then being on regular bail respondent No.2 is not entitled to tinker with the prosecution evidence and try to destroy the prosecution case in any manner.

Though learned counsel for respondent No.2 as well as State submit that the grievance made by the petitioners about the threats etc. is not correct, I think instead of canceling the regular bail granted to

respondent No.2, care will have to be taken to protect the interest of the prosecution. In that view of the matter, this Court had asked respondent No.2, vide order dated 16.03.2018, to keep himself away from the district Mansa till the trial is completed and to report to the police station within the area of which he would reside. It has also been stated that such police station would keep surveillance on respondent No.2. Pursuant to the said order now an affidavit has been filed by respondent No.2 and in para 2 he has given the address of place which according to counsel for the petitioners is near to the agricultural land of petitioner No.2 where he has to visit and there is every likelihood of danger from respondent No.2. In that view of the matter, learned counsel for the respondent No.2 was asked to suggest some other place and therefore he has submitted on instructions that respondent No.2 will reside at District Bathinda and the address will be: C/o Ravinder Kaur, wife of Baldev Singh, 5/12A, Jogi Nagar, Police Station Canal Colony, Bathinda.

To strike the balance then instead of canceling regular bail of respondent No.2, though this Court is convinced with the allegations and the grievance made by the petitioners, the following order is passed.

ORDER

- (i) CRL. MISC. No.M-33846 OF 2017 is partly allowed.
- (ii) The affidavit filed by respondent No.2-Sukhwinder Singh @ Sukha, save and except paragraph 3 of affidavit, is taken on record. Paragraph 3 of the affidavit stands deleted and in its place the respondent No.2 will reside at : C/o Ravinder

Kaur, wife of Baldev Singh, 5/12A, Jogi Nagar, Police Station Canal Colony, Bathinda.

- (iii) Respondent No.2 shall report to the Police Station Canal Colony, Bathinda on Every Sunday between 11.00am to 4.00pm. The police of Police Station Canal Colony shall keep surveillance on respondent No.2.
- (iv) The petitioner shall not enter the limits of District Mansa, save and except the date of hearing before the trial Court.
- (v) The petitioner shall not tamper or influence the prosecution witnesses in any manner.
- (vi) The Sr. Superintendent of Police, Mansa is directed to give witness protection to all the witnesses in the present case till the trial is completed.
- (vii) Respondent No.2 to surrender his passport with the trial Court, if he possesses the same.
- (viii) In case of violation of any of the condition the liberty is reserved to apply for cancellation of bail.

27th MARCH, 2018
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>