

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

**CRL. MISC. No.M-7197 OF 2019 (O&M)
DATE OF DECISION : 8th MARCH, 2019**

Sukhwinder Singh @ Sukha Bhau

.... Petitioner

Versus

State of Punjab

.... Respondent

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

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Present : Mr. Jasvir Singh Dhaliwal, Advocate the petitioners.
 Mr. H. S. Sullar, Deputy Advocate General, Punjab.
 Mr. R. V. S. Chugh, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this third petition for grant of regular bail in FIR No.38 dated 10.05.2016 registered under Sections 406, 420, 467, 468, 471 and 120-B IPC at Police Station Sardulgarh, District Mansa.

Heard learned counsel for the rival parties.

The petitioner was granted regular bail by this Court. Thereafter the petitioner indulged in the misconduct of threatening prime witnesses and therefore a petition i.e. CRM-M-45663-2018 was filed before this Court for cancellation of his bail. This Court observed as under while canceling his bail vide order dated 18.01.2019:

“In that order, the trial Court has also found that the accused was threatening the witnesses and it is necessary to protect the life and liberty of the witnesses and to take steps to prevent tampering of the prosecution evidence. The concerned S.H.O.

was therefore, asked by the trial Court to look into the matter and extend the protection to the witnesses. Thus, the stand taken by the petitioners is correct on the facts as found by the trial Court as well. Respondent no.2 – accused cannot be allowed to breach the rule of law and the process of administration of justice. To repeat this Court has shown mercy to respondent no.2 – accused in order to be given a chance by not cancelling his bail on the earlier occasion, but this Court finds that he is taking undue advantage of the same and he thinks that he is above the law. Respondent no.2 – accused has not denied any of the averment in the petition.

To sum up, the present application for cancellation of bail will have to be allowed. There are many gullible investors who have been duped by him. Unfortunately, such is the scenario in the country. Stern action is needed against fraudsters.”

Vide order dated 1st March, 2019 passed in the present petition, this Court asked the State to find out whether all the prime witnesses were examined or not. Now learned State counsel Mr. Sullar, on instruction from ASI Ranjeet Singh, PS, Sardulgarh, submits that all the prime witnesses have been examined but for eleven official witnesses.

In view of the fact that the trial is magisterial trial and that the material witnesses have already been examined and further that there is no likelihood of the official witnesses being influenced or tampered, I think there is no point in keeping the petitioner in jail, particularly when the maximum sentence for the aforesaid offences would be three years

only. At the same time the care will have to be taken to protect the interest of the investors. The petitioner shall, therefore, first submit the list of properties owned by him, before the concerned Magistrate, who shall make order of attachment of the properties to the extent of ₹70 lacs which is stated to be the amount misappropriated by him. It is only thereafter the petitioner shall be allowed to furnish bail bonds before the trial Court.

ORDER

- (i) CRL. MISC. No.M-7197 OF 2019 is allowed.
- (ii) Bail to the satisfaction of the concerned CJM/Duty Magistrate. The bail bonds shall be accepted only after passing of order of attachment of property(ies) owned by the petitioner.
- (iii) The petitioner to surrender his passport with the trial Court, if he possesses the same.

8TH MARCH, 2019
'raj'

(A. B. CHAUDHARI)
JUDGE