

206

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M-25176 of 2021

Date of decision : August 25, 2021

Rajesh Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jagat Vir Dhindsa, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG., Punjab.

Mr. Gaurav Vir Singh Behl, Advocate
for the complainant.

(Through Video Conferencing)

Harsimran Singh Sethi, J (oral).

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner, in case FIR No. 61 dated 20.03.2020 for the offences under Sections 406,420,467,468 and 471 IPC registered at Police Station Koom Kalan, District Ludhiana.

Learned counsel for the petitioner argues that the challan has already been presented and the charges have been framed and even the complainant has already been examined and therefore, keeping the petitioner behind the bars during the trial will serve no purpose.

The learned counsel for the petitioner further submits that petitioner undertakes that in case the petitioner is granted the benefit of regular bail, he will not influence the trial or any witness in any manner.

Learned counsel for the respondents-State on instructions from ASI Gurmukh Singh concedes that the challan has been presented, the charges have been framed and the complainant has been examined.

The learned counsel appearing on behalf of the complainant submit that conduct of the petitioner was such that on an earlier occasion, he was not truthful with the Court also and it is likely that in case he is granted the benefit of bail he will influence not only the trial but also the witnesses as the petitioner has already started filing civil cases against the witnesses so as to browbeat them.

I have heard the counsel for the parties and have gone through the record of the case with their able assistance.

Once, the charges have been framed and the complainant has been examined, keeping the petitioner behind the bars during the trial will serve no purpose as the trial is likely to take some time before it concludes.

The learned counsel appearing on behalf of the petitioner has undertaken before this Court that in case the petitioner is granted the benefit of regular bail, the petitioner will maintain a good conduct while on bail and will not influence either the witness or trial in any manner.

For the grievance being raised by the learned counsel for the complainant that the petitioner will influence the trial, in case any cogent material comes within the knowledge of the complainant that the petitioner is violating the undertaking given before this Court and is influencing the trial or the witness in any manner, the complainant will be free to approach this Court along with the relevant material seeking the review of the present order.

Keeping in view the facts and circumstances, which have been

narrated hereinbefore, and the fact that the petitioner has been in custody since 15.03.2021, no useful purpose will be served by keeping him behind the bars any further during the trial as the trial is likely to take some time to conclude.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner and in case of default of the above undertaking, the State/complainant will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

(HARSIMRAN SINGH SETHI)
JUDGE

August 25, 2021
archana

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