

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

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**CRM-M-36078-2021
Date of Decision : 08.09.2021**

Tarsem Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present : Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

The present petition has been filed under Section 439 of the Cr.P.C. seeking concession of regular bail in case FIR No.26 dated 18.03.2021 registered under Sections 420, 406, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Dhariwal, District Gurdaspur.

Learned counsel for the petitioner has argued that the dispute in the present case is that the petitioner has misused the power of attorney given to him by his younger brother, who is the complainant also. Learned counsel submits that the charges have already been framed and the material witness i.e. Rajesh Gupta i.e. complainant, has already been examined. Learned Counsel submits that as the trial is likely to take some time before it concludes, the petitioner may kindly be given concession of the regular bail.

Learned State Counsel has submitted that the allegations against the petitioner are serious in nature as the petitioner has sold the property without there being any jurisdiction and by misusing the power of attorney, after the same has already been withdrawn by the complainant. Learned State counsel has further submitted that release of the petitioner at this stage might influence the trial and the witnesses.

I have heard learned Counsel for the parties and have gone through the record with their able assistance.

The allegations alleged against the petitioner though are serious that he has misused the power of attorney given by his younger brother and has sold the property where the said younger brother is even residing. The factual aspect is yet to be proved during the trial on the basis of the evidence. The testimony of the complainant has already been recorded. As the trial is likely to take some time before it concludes, no useful purpose will be served by keeping the petitioner behind the bars especially when learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses.

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, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

In case any cogent evidence found against the petitioner violating the undertaking recorded herein before, State 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.

September 08, 2021
Kothiyal

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether reportable</i>	<i>Yes/No</i>