

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(214)

CRM No. M-36116-2021

Date of Decision : 07.09.2021

Raman Kumar

....Petitioner

Versus

State of Punjab

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 100, dated 29.04.2020, registered under Sections 379-B, 188, 34 IPC and Section 3 of Epidemic Disease Act, 1897 at Police Station Division No. 7, Jalandhar, District Jalandhar.

Learned counsel for the petitioner argues that not only the challan has been submitted but even the material witness i.e. the complainant has been examined and, therefore, keeping the petitioner behind the bars will serve no purpose as the trial is likely to take some time before it concludes. Learned counsel for the petitioner submits that actually, petitioner has been falsely roped in the present case.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General,

Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that though the complainant has already been examined but there are five witnesses, who are yet to be examined and petitioner might influence the trial or the witnesses in case, he is granted the benefit of regular bail at this stage.

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

In the present case, the complainant has been examined and the allegations alleged against the petitioner in the FIR are yet to be proved during the trial. The trial is likely to take some time before it concludes and, therefore, no justifiable reason will be served in keeping the petitioner behind the bars during the period of trial.

With regard to the averment that it is likely that the petitioner will influence the trial in case he is granted bail, the same is only an apprehension as of now. No material has been brought to the notice of this Court to accept that the said apprehension can turn into reality. Further more, in case the petitioner tries to influence the witnesses, the authorities are not without remedy. They can file proper application along with the cogent evidence and the present order will be reviewed, if necessary.

In view of the above, the petitioner has made out a case for the grant of regular bail.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will

not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, 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 07, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No