

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-39416-2021

Date of Decision: 21.4.2022

Munish Gupta

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. A.P.S.Deol, Sr. Advocate with
Mr. Vishal R. Lamba, Advocate,
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

Mr. Anupam Singla, Advocate,
for the complainant.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.87 dated 20.11.2014 registered for the offences punishable under Sections 406 IPC (Sections 420, 201 IPC added later on) at Police Station Kabarwala, District Sri Muktsar Sahib.

Counsel for the petitioner argued that the case is relating to custom milling of paddy and arbitrator has already passed the award against the petitioner and its execution is pending. Counsel further contended that the property of the petitioner i.e. 3 acres of land and the entire unit has already been attached in the aforesaid execution proceedings. Counsel further contended that the petitioner is in custody for the last more than 6 months and the challan has been presented in the Court but there is no

Magistrate, 1st Class.

State counsel and the counsel for the complainant while opposing the present petition contended that the previous conduct of the petitioner shows that if he is released on bail, he would abscond. Counsel further contended that in the present case, the petitioner absconded in the year 2015 and was arrested after about 6 years on 10.7.2021. Counsel further submitted that in these circumstances, no ground is made out to release the petitioner on regular bail.

I have considered the submissions made by the counsel for the parties.

No doubt, the petitioner remained absconding for about 6 years and was arrested on 10.7.2021. Thereafter, the petitioner was granted interim bail for a period of 3 months by this Court vide order dated 29.11.2021. He had not misused the said concession of interim bail and surrendered in time. As per custody certificate, total custody of the petitioner as on today, comes out to be more than 6 months. The petitioner is not involved in any other criminal case. The properties of the petitioner have already been attached in the execution proceedings based on the arbitration award. After completion of investigation, challan has been presented against the petitioner. However, till date, no PW has been examined. The entire case is based on the testimony of official witnesses and thus, there is no apprehension that if released on bail, the petitioner is going to pressurize the witnesses. All the offences are triable by the Court of Judicial Magistrate, 1st Class. It will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned on the following conditions : -

- (a) The petitioner shall not directly or indirectly pressurize or threaten or induce the prosecution witnesses.
- (b) The petitioner shall remain present before the trial Court on the dates fixed for hearing of the case. However, in case of his absence, he shall immediately give intimation to the Court concerned regarding reason of his absence.
- (c) The petitioner shall surrender his passport (if any).

April 21, 2022

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No