

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

208

CRM-M-41825-2022 (O&M)
Date of decision: 28.10.2022

VINOD KUMAR ALIAS ILLU

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

AMAN CHAUDHARY. 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.164 dated 29.09.2018, under Sections 420, 465, 468, 471 and 120-B of the IPC, registered at Police Station Navi Baradari, Police Commissionerate, Jalandhar.

Learned counsel contends that the petitioner is in custody since 04.02.2022 and the allegations against him are that he signed as a witness on the surety bonds furnished by co-accused Raj Kumar, which were found to be forged. Learned counsel submits that the attestation by him of the said witness was on account of Aadhaar card shown to him. He further submits that the said documents of surety bonds were for the purpose of releasing the real brother of the petitioner namely Rinku Sahota S/o Mukesh Sahota, on bail. He submits that the learned trial Court has wrongly dismissed the bail of the petitioner by stating that the petitioner was a member of a gang, who used to forge documents as genuine in the Court of law, however, the same is not the correct

position inasmuch as the petitioner had not attested the surety bond in a stray case but in the case of release of his own brother on bail, where the said Raj Kumar stood as a surety. He further submits that out of 10 witnesses none has been examined and the petitioner is not involved in any other case of similar nature.

Custody certificate filed by the learned State counsel is taken on record.

Contrarily, learned State counsel opposes the grant of bail on the ground that there are 02 other cases against the petitioner, one of which is under the NDPS Act and other under the IPC and that he is part of the gang as has recorded in the order while his bail had been dismissed. He further submits that the petitioner had absconded prior to his arrest and was declared a proclaimed offender. However, he is not able to controvert that the petitioner has been in custody since 04.02.2022 and that he had attested the surety bonds of his brother furnished by Raj Kumar, which though subsequently were found to be forged and that none of the prosecution witnesses have yet been examined.

I have heard learned counsel for the parties.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 04.02.2022; allegation against him is of identifying Raj Kumar, who was the surety of his own real brother; out of 10 witnesses none has been examined and thus the trial would take a considerable time to conclude, his further detention behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject

to him not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse his liberty.
7. Any infraction shall entail in withdrawal of the benefit granted by this Court.

In view of the above, this Court makes it clear that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

October 28, 2022

S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No