

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

**CRM-M-54062-2021(O&M)
Date of Decision: 25.04.2022**

Keemti Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Shekhar Verma, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. G.P.S. Pathania, Advocate for the complainant.

JASGURPREET SINGH PURI, J.(ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure read with Article 21 and 19 (1) (g) of the Constitution of India, 1950 for grant of interim regular bail to the petitioner namely Keemti Kumar in FIR No.56, dated 28.06.2021 under Sections 302, 148 and 149 of IPC, 1860 registered at Police Station Narot Jaimal Singh, District Pathankot, Punjab, on the ground that the petitioner is a transporter and he has a fleet of 33 trucks, out of these trucks, 5 trucks are lying in different police stations because of various traffic violations and 3 trucks have been sold by the Finance Company and the remaining trucks are missing and have been taken by their drivers and his house is also being proceeded under the SARFAESI Act and the bank has already taken symbolic possession of the same on 02.02.2022. He further submitted that he has prayed for the grant of interim bail for a period of six weeks on the ground that he may settle accounts with regard to the debtors/creditors and also save his house in this regard apart

from the trucks which he owns. He submitted that now all the material witnesses have been examined and one of the witnesses namely Sandeep Singh has been dropped by the prosecution on 08.04.2022 and the eye-witness has already been examined in the present case. He submitted that he has clean antecedents and is not involved in any other criminal case. He further submitted that the petitioner is still under trial and in case he is not granted interim bail, then his entire livelihood, business will perish which will affect his family as well. This Court on 04.04.2022 granted time to the State to apprise the Court as to whether any other material witness is yet to be examined or not and as to whether there is any material available with the prosecution that in case the petitioner is granted interim bail then he may abscond etc.

Today, learned State counsel on instructions from ASI Sukhdev Singh has stated that all the material witnesses have been examined in the present case and on being asked as to whether there is any material available with the State that in case the petitioner is released on interim bail then he may abscond or may influence any witness, he has not been able to answer the query raised by the Court during the proceedings.

I have heard the learned counsel for the parties.

As per the learned counsel for the parties, all material witnesses have been examined and petitioner is not involved in any other case. The prayer is only for grant of interim bail to the petitioner for saving his house and a number to trucks. There is force in the arguments raised by the learned counsel for the petitioner especially when he is an under trial and he needs interim bail due to reasons mentioned by him. Furthermore, the State has not been able to answer the query raised by this Court as to whether there is any material available to say that in case petitioner is granted interim bail

then he may abscond or not.

In view of the above, considering the totality of facts and circumstances of the present case, this Court deems it fit and proper to grant interim bail to the petitioner for a period of three weeks only. Consequently, the present petition is allowed and the petitioner shall be released on interim bail for a period of three weeks only subject to his furnishing adequate bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned with an additional condition that the petitioner shall submit his passport, if any, before the learned trial Court, Pathankot and he shall not leave the District Pathankot without the prior permission of the learned trial Court. After the expiry of period of three weeks, he shall surrender. In case, at any stage, there is an apprehension that the petitioner is trying to influence any witness or trying to abscond then the State shall be at liberty to move an appropriate application immediately either before this Court or before the learned trial Court for cancellation of interim bail of the petitioner. The time and date of release and surrender shall be fixed by the learned trial Court.

It is made clear that the aforesaid observations would not mean anything on the merits of the case, as the same are only for the purpose of deciding the present petition.

(JASGURPREET SINGH PURI)
JUDGE

April 25, 2022
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No