

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-49797-2022

Date of decision : 13.12.2022

Nirmal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.185 dated 03.08.2022 registered under Sections 420, 120-B IPC at Police Station Sidhawan Bet, District Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 03.08.2022 and the investigation is complete and the challan has already been presented and there are 8 witnesses, out of which, none have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case and the case is triable by the Magistrate. It is further submitted that the petitioner was the mediator between the parties involved in the case. It is stated that the petitioner had not committed any offence and even with respect to the amount of Rs.75,000/- which was paid into his account, it is

Learned State counsel as well as learned counsel for the complainant, on the other hand, have opposed the present petition for regular bail but could not dispute the facts which have been stated by learned counsel for the petitioner.

This Court has heard learned counsel for the parties and has perused the paper book.

Keeping in view the above said facts and circumstances moreso, the fact that the petitioner has been in custody since 03.08.2022 and the investigation is complete and the challan has already been presented and there are 8 witnesses, out of which, none have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case and the case is triable by the Magistrate, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case and subject to the petitioner depositing an amount of Rs.75,000/- within a period of 15 days from today before the trial Court.

The trial Court is directed to release the said amount to the complainant in the present case and the said deposit would not be construed as an admission of guilt by the petitioner.

It is made clear that if the said amount is not deposited within the stipulated period of time, then the present petition would be deemed to have been dismissed.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of

bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

December 13, 2022
Davinder Kumar

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