

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-4740-2023

Date of decision: 17.10.2023

Vikas Sharma @ Vicky

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Arunjeet Singh Kakkar, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.67 dated 09.04.2022 under Sections 420, 406, 465, 467, 468, 471 and 120-B of the IPC registered at Police Station City-II Mansa, District Mansa.

2. Learned counsel for the petitioner inter alia contends that the petitioner has now been in custody since 30.04.2022, for allegedly luring the complainant and her sister Veerpal Kaur into parting with ₹3,20,000/- on the pretext of providing the latter a Government job. It has been further submitted that the petitioner has been falsely implicated in a case triable by Magistrate. It has still further been submitted that out of the 22 prosecution witnesses cited, both the material witnesses i.e. the complainant as well as Veerpal Kaur have since been examined and hence, his further incarceration would serve no useful purpose as there could be no likelihood of the petitioner trying to influence the prosecution witnesses to depose in his favour.

3. Per contra, learned State counsel while opposing the prayer

made by learned counsel for the petitioner, on instructions from ASI Balbir Singh, has not disputed that both the material witnesses i.e. the complainant as well as Veerpal Kaur stand examined before the Trial Court and as many as 19 prosecution witnesses still remain to be examined. However, he submits that a forged job appointment letter was also given to the complainant, by co-accused Baljinder Singh @ Kala.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody for more than a year having been arrested on 30.04.2022 in a magisterial trial. Since all the material witnesses stand examined, there could be no apprehension of the petitioner trying to tamper with evidence much less influence the material witnesses to depose in his favour. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

17.10.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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