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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 10114-2023 (O&M)

Date of Decision: 16.08.2023

Vikas Girdhar alias Babu

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

Mr. Navjot Singh, Advocate
for the complainant.

DEEPAK MANCHANDA, J.(Oral)

This is the second petition through which the petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 0029 dated 24.03.2022, under Sections 420, 406, 120-B IPC registered at Police Station Phase-8, SAS Nagar, District Mohali, Punjab.

The brief facts of the case are that the FIR was registered on the statement of complainant Dr. Kiranpal Singh that he paid an amount of Rs. 50 Lacs to the petitioner and his wife for renovation of his houses i.e. one at Chandigarh, another in Gurugram and construction of third house in

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Zirakpur. The petitioner neither completed the renovation work nor returned the amount rather the petitioner took various antique idols of various Gods/Goddesses.

Learned counsel for the petitioner submits that the first bail application of the petitioner was dismissed as withdrawn and the present second application has been filed under the changed circumstances where after the withdrawal of the first bail application vide order dated 11.05.2023, the charges have been framed but witnesses are yet to be examined, hence it will take time to conclude the trial.

Learned counsel for the petitioner contends that the petitioner is in custody since 15.06.2022 and has been falsely implicated in the present case where there is delay in filing of the present FIR. Further, the dispute is purely of civil nature but has been given the colour of criminal offence. It is also submitted that the petitioner is suffering from various health issues and is not getting proper treatment in Jail. He also submits that the challan stands presented and conclusion of trial will take sufficient time, and keeping in view the long incarceration, the petitioner be enlarged on bail.

Per contra learned counsel appearing on behalf of the complainant as well as for respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature, however, does not dispute that the challan stands presented and charges have also been framed.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 15.06.2022.

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It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the challan stands presented, charges have been framed whereas witnesses are yet to be examined and trial would take sufficient time to conclude. Hence, in view of long incarceration no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

16.08.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No