

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

213

CRM-M-12475-2023 (O&M)

Date of decision: 22.05.2023

Baldev Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Gurbir Singh Sidhu, Advocate for the petitioner

Mr. M.S. Nagra, AAG Punjab

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.32 dated 09.02.2022, registered under Section 420 IPC at Police Station Canal Colony, District Bathinda.

2. Learned counsel contends that the petitioner is in custody for the last 5 months. His name surfaced after 6 months of registration of FIR and was arrested on 04.12.2022. As a matter of fact, his son was also a co-complainant on the basis of which the FIR in question was registered. Petitioner has been falsely implicated in the case. Co-accused Varinder Singh, who had in fact promised Government job to the villagers and taken money from them, has since been granted bail by this Court vide order dated 21.04.2023. He is not involved in any other case. Challan has been presented on 02.02.2023, however, charges have not been framed. In all there are 16 witnesses.

3. Learned State counsel opposes the bail on the ground that petitioner and co-accused belong to the same village and he had facilitated the payment of

the amount to the co-accused. He is however unable to controvert the submissions regarding custody, stage of case, petitioner being not involved in any other case and co-accused having been granted bail by this Court.

4. Heard.

5. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 5 months; he is not involved in any other case; co-accused has been granted bail by this Court; challan stands presented, however, charges are yet to be framed; in all there are 16 witnesses; the trial is likely to take a considerable time, his further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

6. 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. The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation

to the learned Trial Court, stating the reason for the same.

8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

7. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

8. In view of the above, it is clarified 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

22.05.2023
S.Sharma(syr)

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