

CRM-M-15248-2023

2023:PHHC:083049

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

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CRM-M-15248-2023

Date of decision : 3.7.2023

Gurwinder Singh @ Gurbinder Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.HS Jugait, Advocate for the petitioner

Mr.HS Sullar, Sr.DAG, 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.231 dated 13.09.2020, registered under Section 420 IPC, at Police Station Tanda, District Hoshiarpur.

2. Learned counsel contends that the petitioner is in custody for the last two years and four months. He has been falsely implicated in the present case. There are other litigations *inter se* the parties, which are pending including a complaint under Section 138 NI Act, lodged at Fatehgarh Sahib by the petitioner against the complainant herein. The case is triable by Magistrate. Out of 14 prosecution witnesses, only 5 have been examined. The complainant and other material witnesses also stand examined. There is no other case against the petitioner. He further submits that a previous bail application filed by the petitioner was dismissed by this Court vide order dated 09.11.2021, Annexure P-5, whereafter, he had approached Hon'ble The Supreme Court by filing SLP (Crl.), which though

was dismissed, however, liberty was granted to file an application for bail after the charges are framed against him.

3. The custody certificate dated 09.04.2023 has been filed by learned State counsel, which is taken on record. As per the same, the petitioner is behind bars since 03.02.2021.

4. Learned State counsel opposes the bail on the ground that the amount involved in the case is huge as it is Rs.42 lac. He is however unable to controvert the submissions with regard to the stage of the case, the period of custody and he being not involved in any other case.

5. Heard.

6. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last more than 2 years, 4 months; not involved in any other case, there are total 14 PWs, out of which 5 have been examined including the complainant and material 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.

7. 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 his 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 not leave the country without prior permission of the trial Court.
- 9. The trial Court/ Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. 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.

9. In view of the above, it is clarified that the observations made herein 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.

03.07.2023
gsv

(AMAN CHAUDHARY)
JUDGE

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