

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-14744-2020 (O&M)

Date of decision: 21.08.2023

Guneet Singh

....Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. P.S. Khurana, Advocate for the petitioner

Mr. H.S. Sullar, Sr. DAG Punjab

Mr. Mohd. Yousaf and Mr. Abdul Aziz, Advocates
for the complainant

AMAN CHAUDHARY. J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.245 dated 23.10.2019, registered under Sections 420, 406 and 120-B IPC, at Police Station Civil Lines, Bathinda, District Bathinda.

2. Learned counsel contends that the petitioner was granted interim bail by this Court vide order dated 06.07.2020, after having been in custody for 4 months and 19 days. The petitioner has been implicated in this case on account of the fact that he is brother-in-law of the main accused Manmohan Singh and the SIM used by the said co-accused, was in his name. No recovery has been effected from the petitioner. There is no allegation of having misused the concession of bail since he was released on interim bail. It is a case magisterial trial. Charges have been framed on 11.08.2023. In all there are 27 prosecution witnesses. The petitioner is not involved in any other case.

3. The custody certificate dated 20.08.2023 has been filed by learned

State counsel. As per the same, the petitioner is behind bars for 4 months and 19 days.

4. Learned State counsel opposes the bail on the ground that the petitioner was an employee of the company, which was run by co-accused Manmohan Singh, who is absconding. He is however unable to controvert the submissions with regard to stage of the case, the petitioner is not involved in any other case, as also there is no complaint of having misused the concession of interim bail granted by this Court.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner was in custody for 4 months and 19 days; not involved in any other case; never misused the concession of interim bail; no recovery has been effected from him; charges were framed on 11.08.2023 and there are a total of 27 prosecution witnesses, the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. Since, the petitioner is on interim bail, he is directed to surrender and furnish fresh bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned. On his doing so, he shall be released on bail, subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.

- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) 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.
- (v) 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.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) 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.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) 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 an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

August 21, 2023
M.Kamra

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