

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

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CRM-M-16686-2023 (O&M)

Date of decision: 21.08.2023

Raman Bindra

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. G.B.S. Dhillon, Advocate for the petitioner

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

Mr. C.S. Rana, Advocate 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.110 dated 23.08.2022, registered under Sections 420, 120-B and 182 IPC, at Police Station Meharban, District Ludhiana.

2. Learned counsel contends that the petitioner is in custody for about 7 months. The GPA executed in favour of his father (now deceased) on 01.03.2011, was after taking the entire payment from him, wherein there was a clear stipulation that the same shall not be cancelled. However, without any legal intimation to him, it was cancelled on 16.03.2020. It is only, therefore, that the sale deed of the land measuring 02 kanal 6½ Marla was executed in the favour the petitioner by his father. Subsequently, Rupinder Singh (now deceased) and Rajinder Singh had executed another general power of attorney in favour of one

Dinesh Singh, who is a complainant. Civil suits filed by the petitioner and complainant each other are pending. Charges were framed on 22.05.2023, however, out of 13 prosecution witnesses, none has been examined. It is a case of Magisterial trial. The petitioner is not involved in any other case.

3. The custody certificate dated 19.08.2023 has been filed by learned State counsel. As per the same, the petitioner is behind bars for 6 months and 24 days.

4. Learned State counsel opposes the bail on the ground that the petitioner had executed a sale deed in his favour of his father, after the GPA in his favour had been got cancelled. He is however unable to controvert the submissions with regard to stage of the case and the petitioner not being involved in any other case.

5. Learned counsel for the complainant submits that the father of the petitioner was duly informed about the cancellation of the GPA, despite which the sale deed was fraudulently executed and the original documents of the property are with them.

6. Heard.

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 6 months and 24 days; not involved in any other case; the offences are triable by Magistrate; charges have been framed on 22.05.2023, however, no one, out of 13 prosecution witnesses, has been examined so far, 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.

8. 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:-

- (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.

9. 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.

10. 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