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

**CRM-32561-2023 in/and
CRM-M-17520-2023
Date of Decision: 12.09.2023**

Prince Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Rahul Vijay Singh Chugh, Advocate,
for the petitioner.

Mr. Mohinder Joshi, Addl. Advocate General, Punjab.

N.S. SHEKHAWAT, J. (ORAL)

CRM-32561-2023

1. For the reasons mentioned in the application, the same is allowed, subject to all just exceptions. Annexure P-4 is taken on record.

CRM-M-17520-2023

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.91 dated 25.06.2022 registered under Sections 420, 120-B IPC at Police Station City-I Sangrur, District Sangrur.

2. The FIR in the present case was registered on the basis of the statement made by Nikhil Mittal. As per him, the petitioner and his co-accused- Gaurav were known to the complainant and had approached the complainant in January, 2021 with a promise to supply goods at highly discounted prices. Believing their words, the complainant transferred money on various dates to them in October, 2021. Later on, the accused transferred back the money to the complainant on various dates by stating that they could not arrange the goods.

They further assured that the rest of the money would also be returned to the complainant. However, later on neither the goods were supplied nor the money of the complainant was returned and the accused had intention to cheat the complainant from the very beginning. The complainant further alleged that the accused had cheated the complainant to the tune of Rs.52,55,100/-.

3. Learned counsel for the petitioner contends that FIR in the present case has been wrongly registered by the police as there was a financial dispute between the parties. In fact, the complainant and the petitioner were having business transactions with regard to the purchase of certain materials and it was a pure and simple civil dispute between the parties. Learned counsel further contends that the goods were directly delivered at the place of complainant and there was no outstanding against the petitioner in the year 2021 and the petitioner had rather suffered losses due to the fault of the complainant. Learned counsel further contends that the petitioner was arrested in the present case on 27.02.2023 and is in custody for the last more than six months. The challan has already been filed in the present case and charges have been ordered to be framed against the petitioner on 24.07.2023. Learned counsel further contends that the next date of hearing before the trial Court is fixed on 16.10.2023 for recording of the prosecution evidence and the trial Court may take quite a long time to conclude the trial.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner had cheated the complainant to the tune of Rs.52,55,100/- and does not deserve the concession of bail. Learned State counsel further contends that

five other FIRs of similar nature have already been registered against the petitioner.

5. I have heard learned counsel for the parties and perused the record.

6. As per the case of the parties, the petitioner is in custody since 27.02.2023 and only charges have been framed by the trial Court against him. All the offences are triable by the Court of Magistrate and the conclusion of the trial may take quite a long time. No doubt, the registration of other criminal cases is also one of the considerations, which should be taken into account by the Court while granting bail to the accused. However, it cannot serve as a sole ground for rejection of bail application, when the petitioner has been able to make out a case for grant of bail in the facts and circumstances of the present case. Still further, the apprehensions of repetition of crime expressed by the learned State counsel can be allayed by imposing stringent conditions on the petitioner, while granting concession of bail to him.

7. Without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM, subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*

- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*
- (viii) *The petitioner shall report every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.*

12.09.2023
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(N.S. SHEKHAWAT)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No