

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

227

CRM-M-21632-2023 (O&M)

Date of decision: 06.09.2023

Atul Jhatta

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rishab Kumar Jain, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

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.30 dated 09.02.2023, registered under Sections 406, 420, 465, 468, 471 and 120-B IPC, at Police Station Kotwali, Patiala.

2. Learned counsel contends that the petitioner is in custody for about 7 months. The allegations against him in the FIR are that he being a branch Manager, had accepted a cheque of Rs.11,32,500/- from the co-accused Nirmaljit Singh, who had obtained a loan from the bank against the car purchased by the complainant, as the entire repayment of the loan, based on which, he prepared a form for its foreclosure but the NOC was not issued by the bank. He alleges false implication in the case as he had no role to play, the cheque having been submitted and taken back by co-accused, without the same being credited in the Bank, the NOC could not have been given. Co-accused Nirmaljit Singh has been granted default bail vide order dated 10.07.2023. Challan was presented on 21.04.2023, however, charges have not been framed. In all there are 10 prosecution witnesses. The petitioner is not involved in any other case.

3. The custody certificate dated 05.09.2023 has been filed by learned State counsel. As per the same, the petitioner is behind bars for 6 months and 13 days.

4. Learned State counsel opposes the bail on the ground that the petitioner in connivance with the co-accused tried to dupe the complainant. He is however unable to controvert the submissions with regard to stage of the case, co-accused has been granted default bail and the petitioner is not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 6 months and 13 days; not involved in any other case; co-accused has been granted default bail; challan stands presented on 21.04.2023, however, charges are still to be framed; in all there are 10 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. 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.

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

September 06, 2023
M.Kamra

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