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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 23015-2023 (O&M)

Date of Decision: 24.05.2023

Karambir

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Ashwani Nagra, Advocate
for the petitioner.
Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Through this second petition, the petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 358 dated 25.04.2022 under Sections 406, 420, 506 and later on added Sections 467, 468, 471, 201, 34 IPC registered at Police Station Karnal Sadar, District Karnal.

Learned counsel for the petitioner contends that the petitioner is in custody since 03.01.2023. As per the allegations in the FIR, the complainant came into contact with the petitioner, who lured him of sending abroad on the pretext of providing employment. The deal was struck for Rs. 15 lacs. Since the complainant was unemployed, he believed the petitioner and paid him the whole amount on different dates. However, the petitioner provided him a fake visa of Portugal and thereafter snatched his passport in Portugal, thereby cheated him. He also submits that the

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investigation of the case is complete and the challan stands presented on 01.03.2022 and charges have been framed and none out of total 10 prosecution witnesses has been examined till date and there are no antecedents and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate along with reply has been filed by the respondent-State and the same are taken on record.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature and he was trying to flee from the country and was apprehended from the airport itself, however, he does not dispute the fact that the investigation is complete and the challan stands presented.

Confronted with the same, learned counsel for the petitioner submits that the petitioner is a resident of Portugal and was not fleeing.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 03.01.2023.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the investigation is complete and the challan stands presented and the petitioner is not involved in any other case and out of total 10 PWs, none has been examined till date and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

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Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

Of the trial Court concerned on the following conditions:-

- 1. *he shall appear before the Court on each and every date of hearing;*
- 2. *he shall not give any threat or intimidation to the prosecution witnesses;*
- 3. *he shall not indulge in any criminal activity;*
- 4. *he shall not leave India without prior permission of the Court.*

The Court accepting bonds would ensure that two local sureties who are financially sound having immovable properties within jurisdiction of the district furnish the bonds.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any terms and conditions on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of his bail.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

24.05.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>