

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

207

CRM-M-24105-2023 (O&M)**Date of decision: 01.06.2023**

Kamal Singh Alias Kamal Singh Yadav

....

Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Tapish Gupta, Advocate for the petitioner

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

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.12 dated 10.01.2022, registered under Sections 120-B, 406, 420, 467, 468, 471 IPC at Police Station Manesar, District Gurugram.

2. Learned counsel contends that the petitioner, who is a retired Army personnel aged 59 years, is in custody for the last 1 year and 2 months having been arrested on 22.03.2022. The allegations against him are that his son had transferred an amount of Rs.39 lakhs were transferred into their joint account on 02.09.2021, which he had fraudulently by obtained from the complainant. Challan stands presented on 11.04.2022. Charges were framed only under Section 420 IPC on 20.03.2022 and punishment for the said offence is upto 7 years. Offence is triable by the Magistrate. In all there are 107 witnesses, however, none have been examined so far. Petitioner is involved in 3 other FIRs of similar nature out of which in 2 he has been granted bail vide order dated 28.03.2023 and 18.05.2023, however, one FIR No.10 dated 09.01.2022 is still pending.

Co-accused

Dinesh Sorkhi has been granted bail on 30.05.2023.

3. Learned State counsel opposes the bail on the ground that petitioner is involved in three other FIRs. The complainant has been defrauded of an amount of Rs.39 lakhs which stands deposited in an account, of which, the petitioner is also a holder. The son of the petitioner had posed himself to be an IPS Officer by forging his identity. He is, however, unable to controvert the submissions regarding custody, the stage of case, petitioner having been granted regular bail in 2 FIRs by this Court and co-accused having been granted bail.

4. Heard.

5. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year and 2 months; he is on bail in two other FIRs; co-accused has been granted bail; though charges were framed on 20.03.2022, however, none out of 107 witnesses have been examined; it is a case of Magisterial trial; the trial is likely to take a considerable time, his further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

6. 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 him not being required in any other case. The petitioner shall abide by the following conditions:-

- 1.The petitioner will not tamper with the evidence during the trial.
- 2.The petitioner will not pressurize/ intimidate the prosecution witnesses.
- 3.The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- 4.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.

- 5.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.
- 6.The petitioner shall not in any manner misuse his liberty.
- 7.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.
- 8.The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

- 7. 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.
- 8. 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

01.06.2023
S.Sharma(syr)

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