

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

220

CRM-M-26893-2023 (O&M)
Date of decision: 23.08.2023

Vinay Sikand

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. PS Ahluwalia and
Ms. Bhavi Kapur, Advocates for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

Mr. Dharamvir Sharma, Sr. Advocate with
Mr. Manbir Singh, Advocate for the complainant.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.157 dated 24.10.2020, registered under Sections 420, 465, 467, 468, 471 and 120-B IPC, at Police Station Kiratpur Sahib, District Rupnagar.
2. Learned counsel contends that the petitioner is in custody for about 10 months, having been arrested on 29.10.2022. No offence of cheating was committed by the petitioner. It is a case triable by Magistrate. Challan was presented on 20.01.2023, whereafter charges were framed on 17.02.2023 and 3 witnesses including the complainant have been examined, out of 16. The petitioner is not involved in any other case. Reliance is placed on **Sanjay Chandra vs. CBI**, 2012(1) SCC 40, **Maninder Sharma vs. State Tax Officer**, 2023(1) RCR (Criminal) 232

and that of Hon'ble The Supreme Court in **Ganesh Shivkumar Sagar vs. State of Gujarat**, SLP (Crl.) No(s).268/2023 decided on 27-07-2023.

3. The custody certificate dated 22.08.2023, filed by learned State counsel is taken on record, as per which, the petitioner is behind bars for 9 months and 24 days.

4. Learned State counsel opposes the bail on the ground that the petitioner induced the complainant to part with an amount of Rs.24 lakh (approx.) on the pretext of setting up a sandalwood farm over 2 acres of land. He is however unable to controvert the submissions made regarding the stage of the trial and no other case pending against the petitioner.

5. Learned Senior counsel for the complainant submits that the complainant is a widow, who has been cheated by the petitioner of all the life earnings of her husband.

6. Heard.

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for last 9 months and 24 days; not involved in any other case; offences are triable by Magistrate; charges have been framed on 17.02.2023 and out of 16, complainant and 2 other prosecution witnesses stand examined; 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 and concerned Police Station 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 and concerned Police Station, stating the reason for the same.
- (viii) The petitioner shall surrender his passport, if not done already and shall not leave the country without prior permission of the trial Court.
- (ix) The petitioner shall also report to the concerned Police Station on the first Monday of every month.
- (x) 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.

23.08.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No