

2023:PHHC:137437

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109+210

CRM M-32016 of 2023 (O&M)
Date of Decision: 20.10.2023

Salil Narayan ...Petitioner
Vs.
State of Punjab ...Respondent

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

Present : Mr. Prateek Rathee, Advocate, for the petitioner.
Mr. M.S. Bajwa, DAG, Punjab.
Mr. Navjot Singh, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

CRM 43475 of 2023

Allowed, as prayed for.

CRM M-32016 of 2023

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.062 dated 08.07.2015 registered under Sections 420, 465, 467, 468, 471 and 120-B IPC at Police Station Kabarwala, District Sri Muktsar Sahib, Punjab.
2. The FIR in the present case was registered on the basis of the statement made by Aman Kumar, who alleged that the present petitioner had prepared a fake medical certificate with an intention to

get the undue benefits and to cause harm to the complainant. As per the complainant, on completion of investigation in the FIR No. 74 dated 08.05.2010 under Sections 420, 465, 467, 468, 471, 120-B and 201 IPC registered at Police Station Malout City, District Sri Muktsar Sahib, challan had already been submitted in the Court against the present petitioner and the trial was pending in the Court of SDJM, Malout. On 25.08.2014, the accused did not appear in the Court and submitted a fake medical certificate dated 21.08.2014, allegedly issued by the Medical College and Hospital, Patna and a request was made for his exemption from the personal appearance. During inquiry by the complainant, the said certificate was found to be not genuine and as per the complainant, it was prepared fictitiously and the case in the present case was registered against the present petitioner. Learned counsel for the petitioner contends that he was arrested in the present case on 04.04.2022. He further submits that in the present case, only 06 witnesses out of total 20 witnesses have been examined so far and the trial has been unreasonably delayed by the prosecution, just to ensure his incarceration for a longer period.

3. On the other hand, the prayer made by the learned counsel for the petitioner has been vehemently opposed by the learned State counsel assisted by learned counsel for the complainant on the ground that petitioner is a hardened criminal and is facing prosecution in 08 more cases. Apart from that, petitioner was declared a

proclaimed person on 06.12.2016 and was arrested after a period of several years on 04.04.2022 and he may further abscond from the process of law. Thus, the petitioner is not entitled to the concession of bail.

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

5. It is not in dispute that in most of the cases, which were registered against the petitioner, he is already on bail. Apart from that, in the present case also, the petitioner is in custody for the last more than 01 year and 06 months and cannot be confined in jail for an indefinite period. The apprehension expressed by the learned State counsel as well as learned counsel for the petitioner can be further allayed by imposing stringent conditions on the petitioner, while granting him the concession of bail.

7. Consequently, 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 concerned 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 involved 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 two heavy local surties 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 and 3rd 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 and 3rd 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 as well as learned counsel for the complainant shall be at liberty to move an appropriate application in this regard.

20.10.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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