

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-36317-2022 (O&M)

Date of decision: 19.04.2023

MUKESH KUMAR JHA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. B.S. Randhawa and Mr. Gagneshwar Walia, Advocates
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

Mr. Bhriugu Dutt Sharma, Advocate
for the complainant.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.90 dated 26.05.2022, under Sections 408, 420, 120-B IPC (Sections 465, 467, 468 IPC added subsequently), registered at Police Station Division No.6, Police Commissionerate, Jalandhar, District Jalandhar.

Learned counsel that the petitioner had been in custody since 08.06.2022 till interim bail was granted by this Court on 20.10.2022. Settlement has been arrived at between the parties and as per which, an amount of Rs.11,90,000/- stands paid to the respondent-complainant. Copy of the same has been placed on record as Mark-A. Challan was presented in this case on 05.09.2022, however, the charges are yet to be framed. There are 21 prosecution witnesses in this case.

Learned counsel for the complainant affirms the receipt of the

amount as stated by learned counsel for the petitioner and has no objection, if interim regular bail is confirmed.

Learned State counsel is unable to controvert the submissions with regard to the compromise having been arrived at between the parties, stage of trial and custody of the petitioner prior to the grant of interim bail.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner remained in custody since 08.06.2022 till 20.10.2022; the matter has been compromised between the parties; challan has already been presented; charges not framed; there are 21 prosecution witnesses in total, the trial is likely to take a considerable time, thus the petitioner deserves to be granted regular bail.

As a result, the present petition is allowed. The petitioner is ordered to be released on bail, subject to his furnishing fresh 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.

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.

In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

April 19, 2023
M.Kamra

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