

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

280

CRM-M-35062-2023

Date of decision: 09.08.2023

Kuldeep Singh Dhaliwal

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Arunjeet Singh Kakkar, Advocate
for the petitioner

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

Mr. Munish Raj Chaudhary, Advocate
for 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 case FIR No. 10 dated 19.01.2019, registered under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Kiratpur Sahib, District Rupnagar.

2. Learned counsel contends that the petitioner has been in custody for the last 1 month 15 days. The dispute between the petitioner and the complainants was regarding management of Generation Next Gurukul Society Kiratpur Sahib, to which grand father of the complainants had donated 5 acres of land for starting an educational institution. The matter now stands compromised between the parties on 25.07.2023, copy of which has been produced in the Court and on the basis of which, a petition bearing CRM-M-37214-2023, has been filed for quashing of FIR, wherein direction to record the statements of the parties has been

passed. Challan stands presented in the case.

3. Learned counsel for the complainants has produced a copy of the affidavit of all the 4 complainants affirming the factum of compromise and their no objection to the grant of bail to the petitioner.

4. The custody certificate dated 05.08.2023 filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for the last 1 month and 15 days.

5. Learned State counsel is unable to controvert the submissions as regards the custody of the petitioner, stage of the case and compromise between the parties.

6. Heard.

7. Considering the facts and circumstances of the case, in particular that the petitioner has been in custody for the last 1 month and 15 days; compromise has been effected between the parties; challan has been presented though charges are yet to be framed; the trial is likely to take considerable time, thus, his further incarceration would not serve any useful purpose, as such, 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 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.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made clear that in case of any infraction 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.

(AMAN CHAUDHARY)
JUDGE

09.08.2023
Mehak

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