

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-44995-2022 (O&M)
Date of decision: 01.03.2023

KAMALJIT SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rishu Mahajan, Advocate for the petitioner

Mr. Kamalpreet Bawa, AAG Punjab

Mr. Bhushan Bhatia, Advocate for the complainant-Bank

AMAN CHAUDHARY. J.

This is 2nd petition filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.218 dated 23.08.2021, under Sections 420 of the IPC, registered at Police Station Beas, Amritsar.

Learned counsel contends that the petitioner is in custody for the last 7 months. He submits that the petitioner had repaid a part of the loan amount and there was no lien marked by the Branch Manager on the documents as is reflected in the FIR. Challan has since been presented. Charges are yet to be framed. In all there are 14 witnesses and it is a case triable by a Magistrate. Petitioner is not involved in any other case.

Learned State counsel has produced the custody certificate dated 28.02.2023, which is taken on record. As per the same the custody of the petitioner is 7 months and 19 days.

Learned State counsel assisted by learned counsel for the complainant oppose the bail on the ground that despite the property in question being mortgaged, the petitioner had allegedly sold the same to Darshana Garg. He is

however unable to controvert the submissions made by learned counsel for the petitioner regarding the stage of the trial and that he is not involved in any other case.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 7 months and 19 days; he is not involved in any other case; challan has since been presented; charges are yet to be framed; in all there are 14 witnesses, the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

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.
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.

March 01, 2023

S.Sharma(syr)

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No

(AMAN CHAUDHARY)
JUDGE

SANDAL SHARMA
2023.03.03 13:08
I attest to the accuracy and
authenticity of this order/judgment