

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

243

CRM-M-43757-2023 (O&M)
Date of decision: 11.09.2023

Rajesh Kumar @ Pindi

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. L.S. Lakhanpal, Advocate for the petitioner

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

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.128 dated 31.10.2022, registered under Sections 420 and 406 IPC (Sections 370, 370-A, 387 and 120-B IPC added later on) vide DDR No.28 dated 01.11.2022 and Section 13 of Punjab Travel Professional (Regulation Act), 2013 at Police Station Chabbewal, District Hoshiarpur.

2. Learned counsel contends that the petitioner is in custody for about 10 months. He alleges false implication in the case. There is a delay of 5 days in lodging the FIR. It is a case of Magisterial trial. The wife of the complainant herself given her consent to go to Muscat and was also provided a job and also got the Resident Card of Sultanate of Oman, a copy of which is Annexure P-2. Charges have been framed on 06.06.2023, however, out of 12 prosecution witnesses, only one has been examined. He is not involved in any other case.

3. The custody certificate dated 08.09.2023 has been filed by learned State counsel. As per the same, the petitioner is behind bars for 9 months and 27 days.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner having received the money to send the wife of the complainant abroad. He is however unable to controvert the submissions with regard to stage of the case and the petitioner not being involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 9 months and 27 days; not involved in any other case; charges were framed on 06.06.2023, however, only one out of 12 prosecution witnesses, has been examined so far, 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.

7. 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.

8. 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.

9. 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

September 11, 2023
M.Kamra

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