

**211 IN THE HIGH COURT OF PUNJAB AND HARYANA  
CHANDIGARH**

CRM-M-58445-2022 (O&M)

Date of Decision: 24.02.2023

JANAK RAJ

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. GPS Pathania, Advocate  
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

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**DEEPAK MANCHANDA J.**

The petitioner is seeking regular bail in the case bearing FIR No. 29 dated 05.08.2015 under Sections 420, 467, 468, 471 and 34 of the Indian Penal Code registered at Police Station Narot Jaimal Singh District Pathankot.

As per prosecution story, two other co-accused promised the complainant for arranging a job in AIR India or in railways and received money from the complainant but failed to provide the job to him.

Learned counsel for the petitioner contends that petitioner has no concern with the aforementioned co-accused and initially name of the petitioner was not mentioned in the FIR. It is further contended that petitioner is in custody since 03.10.2022 and investigation of the case is complete.

In compliance of order dated 16.02.2023, learned State counsel has furnished the affidavit of Sub Inspector Ajwinder Singh, SHO, Police Station, Narot Jaimal Singh, District Pathankot, along with the custody certificate, which is taken on record.

Vide order dated 16.02.2023, a specific query was put to learned counsel for the petitioner as to why the petitioner was declared proclaimed offender.

Learned counsel for the petitioner submits that petitioner was

never served.

Learned State counsel refers to para No. 2 of the affidavit, which shows that warrants were issued against the petitioner on 29.08.2015 for securing his presence and on 26.10.2015, house of the petitioner was raided but he was not found present and statement of petitioner's brother was recorded, who stated that petitioner was a truck driver and was out of station at that time. Learned State counsel assisted by ASI Mohan has further opposed the bail application on the score that there is likelihood that petitioner may misuse the concession of bail but cannot dispute the fact investigation of the case is complete and challan stands presented.

Having heard learned counsel for the parties and gone through the case file and custody certificate, it is significant to note that the petitioner is in custody for a period of 04 months and 23 days. Investigation of the case has been completed. Conclusion of the trial shall take considerable long time. No useful purpose would be served by keeping the petitioner in further incarceration.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate. 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.

The petition is allowed.

24.02.2023  
Ajay Goswami

Whether speaking/reasoned  
Whether reportable

(DEEPAK MANCHANDA)  
JUDGE

Yes/No  
Yes/No