

2023:PHHC:147100

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

213

CRM-M-57307-2023

Date of Decision : **November 20, 2023**

VARINDER SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Sunita Nambiar, Advocate for
Mr. Jimmy Singla, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.180 dated 7.10.2018, Under Sections 406, 420 IPC, registered at Police Station Chamkaur Sahib, District Rupnagar, Punjab.
2. Upon perusal of the FIR, it is unfolded that the allegations against the petitioner are that he has duped the complainant for ₹6 lacs on the promise to send his son to Dubai and arranged a driving licence so that the son of the complainant can earn livelihood for his family.
3. The learned Additional Sessions Judge, Rupnagar, declined the relief of regular bail to the petitioner on the ground that he was declared as a proclaimed offender vide order dated 3.12.2019 and thereafter, he was arrested on 6.11.2023 after 5 years.
4. Learned counsel for the petitioner submits that the

allegations against the petitioner are false, as at the time of the alleged occurrence, the petitioner was in Dubai, therefore, no question arises that he received ₹6 lacs from the complainant. He has further submitted that the petitioner has already suffered incarceration for about two months and he is ready and willing to remain present on each and every date to face the trial.

5. On the other hand, the learned State counsel has vociferously opposed the asked for relief and submits that the petitioner, who remained a proclaimed offender for about 5 years, does not deserve the relief of regular bail, as he may again abscond from the clutches of law. He has further submitted that the proceeding before the trial Court has already commenced and for disposal of trial, it is better that the petitioner shall remain behind the bars. He has placed on record the custody certificate, as per which the petitioner has actually faced incarceration for two months and eleven days.

6. Though it is undisputed that the petitioner was declared as a proclaimed offender but as of now, he has been arrested and has faced incarceration for about 2 months and 11 days and considering the fact that the case is triable by the Magistrate and the final report under Section 173 Cr.P.C. has already been submitted on 6.11.2023, and charges are yet to be framed. The learned State counsel on instructions imparted to him by ASI Gurnam Singh, has submitted that total 11 witnesses have been cited by the prosecution.

7. Considering the stage of the trial which is at the initial stage

and considering the fact that the petitioner has already suffered incarceration for two months and eleven days, this Court deems it fit and appropriate to enlarge the petitioner on regular bail, however, on heavy surety bonds, which shall be decided by the learned trial Court.

8. Accordingly, the instant petition is allowed and the petitioner is ordered to be released on bail on furnishing heavy bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. It is made clear that in case the petitioner abscond or made himself absent from appearance from the learned trial Court, the State is at liberty to file an application for cancellation of instant relief granted by this Court.

10. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

November 20, 2023
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No