

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

235

CRM-M-59560-2022
Date of decision: 07.02.2023

DEEPAK PRASHAR @ DEEPAK

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. H. S. Batth, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 257 dated 11.06.2021 under Sections 420, 467, 468, 471, 199, 177, 120-B IPC and Section 12 of the Passport Act, 1967 registered at Police Station Division 5, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner has been in custody since 18.10.2022. He is not the beneficiary of the change of date of birth and has only filed an application in normal course as per the details and documents given by the co-accused. His name surfaced during investigation, as he was not named in the FIR. The complainant is not the victim in any way regarding the alleged forged documents. The co-accused who were beneficiaries have been granted anticipatory bail by this Court vide order dated 24.01.2023. Challan was presented on 18.12.2022, however, charges have not been framed and in all, there are 12 prosecution witnesses; the petitioner is not involved in any other case.

Learned State counsel has filed custody certificate, same is taken on record, as per which the petitioner is in custody since last 4 months and 15 days. He opposes the bail on the ground that the petitioner was instrumental in getting the date of birth changed and the main accused are out of country who have utilized the said documents. However, he is unable to controvert the other submissions made by learned counsel for the petitioner in particular with regard to grant of anticipatory bail of the co-accused as also the stage of the trial.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody since 18.10.2022; the case is triable by the Magistrate; the co-accused have been granted the concession of anticipatory bail; is not involved in any other case; the challan has been presented on 18.12.2022; charges are yet to be framed and there are a total of 12 prosecution 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 clear that in case of any infraction of any 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.

(AMAN CHAUDHARY)
JUDGE

07.02.2023
Mehak

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