

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

216

CRM-M-59960-2022 (O&M)
Date of decision: 16.08.2023

Dineshan KV

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Nav Chahal, Advocate for the petitioner.

Mr. HS Sullar, Sr. DAG, Punjab.

Mr. Aminder Singh, Advocate for the complainant.

AMAN CHAUDHARY, J.

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.90 dated 16.06.2022, registered under Sections 408, 418, 420, 464, 465, 467, 468 and 469 IPC, at Police Station Division No.3, District Police Commissionerate Ludhiana.
2. Learned counsel contends that the petitioner is in custody for 1 year and about 2 months. No recovery has been effected from him. The case is triable by the Magistrate as the offence is punishable with a sentence upto 3 years. Challan stood presented on 14.09.2022 but charges are yet to be framed and in all there are 15 witnesses. The petitioner is not involved in any other case.
3. The custody certificate dated 15.08.2023, filed by learned State counsel is taken on record. As per the same, the petitioner is behind bars for 1 year, 1 month and 20 days.

4. Learned State counsel as also learned counsel for the complainant oppose the bail on the ground that there are serious allegations of having cheated customers of the complainant-finance company. They are however unable to controvert the submissions made regarding the custody, stage of the trial 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 1 year, 1 month, 20 days; not involved in any other case; no recovery has been effected from him; it is a case of magisterial trial; challan was presented on 14.09.2022, however, charges have not yet been framed and in all there are 15 prosecution witnesses; 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.

16.08.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No