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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4773-2024

Date of Decision:07.02.2024

Vinay Seth @ Golu

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat**Present :** Mr. Kunwar Rajan, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.03 dated 03.01.2023 registered under Sections 364-A, 370, 386, 120-B of IPC, at Police Station Balongi, SAS Nagar, Mohali

2. Learned counsel for the petitioner contends that the allegations in the present FIR have been mainly targeted against Sonia and other co-accused. The petitioner was neither named in the FIR nor his involvement would be inferred from the averments made in the FIR. Learned counsel further contends that as per the case of the prosecution, the petitioner had allegedly been guarding the place, where the victims were confined by the co-accused. He used to beat them up. Learned counsel for the petitioner further contends that only general and vague allegations have been levelled against him and the petitioner had no concern with the main accused. Even no money was ever

paid to him in cash nor any money was deposited in his bank account. Learned counsel further contends that the petitioner had never acted as a travel agent at any point of time. Further, he was arrested in the present case on 22.03.2023 and is in custody for the last more than 10 months.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that one more case of similar nature has been registered against the petitioner and he does not deserve the concession of bail.

4. I have considered submissions made by learned counsel for the parties and have gone through the case file. There is no allegation against the petitioner that the money was ever paid to him and he has been nominated as an accused on the basis of the disclosure statement suffered by his co-accused. Further, the petitioner is in custody for the last more than 10 months and the final report under Section 173 Cr.P.C. has already been presented against him.

5. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court*

- concerned.
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
 - (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
 - (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
 - (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.*

07.02.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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