

2024.PHHC.118014



210-1

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

**CRM-M-5006-2024 (O&M)
Date of decision : 09.09.2024**

Lakha Ram Davesar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gurinder Singh Dhot, Advocate,
for the petitioner(s).

Mr. TPS Walia, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner(s) in FIR No.0045 dated 25.05.2023, under Sections 420, 467, 465, 471 & 120-B of the Indian Penal Code, 1860, registered at Police Station Division 1, District Pathankot.

2. Allegations are that petitioner along with other co-accused duped the complainants, Harpreet Singh & Rajinder Kumar of Rs.6,75,400/- on the pretext of getting government jobs.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 06.02.2024 and he is regularly appearing before learned trial Court. Also contended that there is no allegation of misuse of interim concession or that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner.

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Further contended that out of total 12 prosecution witnesses, only 02 have been examined so far, therefore, trial is likely to take sufficient long time. Again contended that petitioner is not involved in any other case.

4. Learned State Counsel, on instructions, has fairly acknowledged the above factual position.

5. Heard learned counsel for both the sides and perused the paper book.

6. It is a matter of record that petitioner was granted interim bail by this Court on 06.02.2024, and the order reads as under:-

“Contends that similarly placed co-accused-Raj Kumar has already been granted interim bail on 15.01.2024 by this Court.

Learned State counsel seeks time to verify the above factual position.

Posted for 11.03.2024.

To be heard along with CRM-M-48166-2023 on the date already fixed i.e. 11.03.2024.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. It is acknowledged by learned State counsel that in terms of the aforesaid order, petitioner was released on interim bail and he is regularly appearing before learned trial Court; there is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in case his interim bail is made absolute. Apart that, out of total 12 prosecution witnesses, only 02 have been examined till date; hence, trial is likely to take sufficient long time and as such, sending the petitioner to custody or denying the bail at this stage would not serve any purpose.

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8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 06.02.2024, is made absolute. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).
10. Above observations be not construed as an expression of opinion on merits of case, in any manner.
11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.
12. Pending application(s), if any, shall also stand disposed off.

09.09.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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