



CRM-M-4867-2024

**226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-4867-2024
Decided on : 16.07.2024

Sarabjit Singh @ Sarbjit Singh @ Sabi Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Sandeep Sharma, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.149 dated 14.09.2018 under Sections 406, 420, 34 IPC and Section 13 of the Travel Professional Regular Act, 2014 registered at Police Station Bhogpur District Jalandhar Rural.

2. Learned counsel for the petitioner submits that in a Magisterial trial, the petitioner has now been in custody since 19.08.2023 for allegedly luring the complainant and thereafter duping him of Rs.8 lakhs on the pretext of sending him abroad. It has been submitted that the trial is unlikely to conclude in the near future as 13 out of 18 prosecution witnesses still remain to be examined; 5 witnesses including the complainant already stands examined.



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Hence, there can be no possibility of the petitioner tampering with the evidence or trying to intimidate or influence the witnesses.

3. On a pointed query qua the criminal antecedents of the petitioner, learned counsel has submitted that the petitioner is not involved in any other criminal case much less a case of similar nature.

4. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Jaswinder Singh, has not disputed the stage of trial and the factum of the material witnesses including the complainant having been examined. It has, however, been submitted that the petitioner was declared a proclaimed offender vide order dated 30.04.2019 and surrendered before the trial Court only on 19.08.2023 and thereafter arrested by the police. Learned State counsel, on instructions, has not disputed that the petitioner is not involved in any other case of similar nature.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody for close to one year after he was arrested in the present case on 19.08.2023. All the material witnesses including the complainant stand examined. The trial would take considerable time to conclude as 13 prosecution witnesses have yet to be examined.



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7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail subject to the furnishing of heavy surety to the satisfaction to the trial Court/Duty Magistrate concerned keeping in view the fact that earlier he had absconded and had been declared a proclaimed offender.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.07.2024
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(MANJARI NEHRU KAUL)
JUDGE

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