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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-6373-2024
Date of decision:-06.03.2024

ANWAR KHAN

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Harnoor Singh, Advocate for the petitioner.
Mr. Japjot Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State Counsel has filed reply dated 06.03.2024 by way of affidavit of Deputy Superintendent of Police, Sub-Division, Shri Anandpur Sahib, District Rupnagar, is taken on record, copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0006	10.01.2023	406, 420, 120-B IPC	Kiratpur Sahib, District Rupnagar

3. It is *inter alia* contended by learned counsel for the petitioner

that the petitioner is innocent and has been falsely implicated in this case and has no concern whatsoever with the alleged transactions. He submits that it has come during inquiry also that the amount of ₹10,80,902/- was given by accused Pawandeep to petitioner out of which the petitioner has already returned ₹8,15,104/- to him. He submits that the petitioner has not taken any amount from complainant nor has assured them of any government job. He contends that co-accused Pawandeep has already been granted concession of bail by this Court vide order dated 30.01.2024 passed in CRM-M-61666 of 2023. He submits that challan has already been presented in Court and the petitioner is in custody since his arrest i.e 24.10.2023, and no other criminal case is pending against the petitioner, as such he prays for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel has not disputed the factual matrix but has prayed for dismissal of bail application considering the nature and gravity of offence. However, he admitted that challan has already been presented in Court and out of 19 witnesses cited by the prosecution 5 witnesses have been examined. He has also not disputed that the petitioner is not facing any other criminal case.

5. After considering the respective contentions and perusing the record, it is not disputed that during the course of inquiry it had transpired that the co-accused Pawandeep had received ₹10,80,902/- from complainant and handed over the same to the petitioner and the petitioner had return the amount of ₹8,15,104/- to him, there is no allegations that the petitioner had taken the amount from complainant. The petitioner is in custody since

24.10.2023, challan has already been filed in Court, co-accused Pawandeep has already been granted concession of bail, prosecution has cited 19 witnesses and out of them, 5 witnesses have been examined so far. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time, in these circumstances, and keeping in view the fact that petitioner is having no other criminal case registered against him, no purpose would be served by keeping petitioner behind bars any longer.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

06.03.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No