

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

211

2024:PHHC:060650

CRM-M-12578-2022

Date of decision: May 2nd, 2024

Surinder Singh Kamboj

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

Mr. Piyush Khanna, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.56 dated 09.07.2015 under Sections 406, 420, 467, 468, 471 of the IPC registered at Police Station Naya Gaon, District S.A.S. Nagar.

2. Learned counsel for the petitioner submits that after he was arrested on 31.08.2021, he was extended the concession of interim bail on medical grounds on 16.05.2022. Thereafter, the charges were framed and recording of prosecution evidence commenced. Learned counsel has further submitted that two witnesses including the material witness in the instant case i.e. the complainant already stand examined. He further submits that as many as 20 prosecution witnesses still remain to be examined. Hence, in the circumstances, more so since it is a case triable by Magistrate, his further incarceration would serve no useful purpose as the trial would take considerable time to conclude.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions made by counsel opposite. It has not been disputed by the learned State counsel, on instructions from ASI Sikander Singh, as well as the counsel appearing for the complainant, that the complainant, who is the sole material witness in the case in hand already stands fully examined and furthermore, 20 prosecution witnesses still remain to be examined. However, learned counsel appearing for the complainant has brought to the notice of this Court that the petitioner does not deserve the concession of regular bail on account of his conduct in not abiding by the orders of this Court, wherein the parties had been directed to appear before the Mediation and Conciliation Centre of this Court for exploring the possibility of an amicable settlement. Besides this, it has been submitted that there had been non-compliance of orders dated 09.01.2023 and 21.02.2023 as the petitioner had failed to abide by the same and had not appeared before this Court.

4. Learned counsel appearing for the petitioner has, however, drawn the attention of this Court to the order dated 31.01.2024, wherein it stands noticed that the petitioner had met with an accident and hence, he was unable to appear before this Court in compliance of orders dated 09.01.2023 and 21.02.2023 and it was thereafter, that the parties were again referred to the Mediation and Conciliation Centre.

5. Learned State counsel has further informed the Court that after the petitioner was extended the concession of interim bail by this Court, he had yet again been involved in another criminal case as recently as in April 2023 under Sections 384/389 and 34 of the IPC registered at Police Station City Jalalabad.

6. Learned counsel for the petitioner has yet again controverted the instructions received by the State counsel and has submitted that it is a matter of record that it was a case of false implication and all the witnesses had been declared hostile on account of they not supporting the case of the prosecution.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. The case hinges on documentary evidence. The complainant stands examined. All the offences are triable by Magistrate; 20 witnesses still remain to be examined. Hence, there is no likelihood of the trial concluding in the near future.

9. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

May 2nd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No