

MUNISH KUMAR ALIAS SHASHI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Subhash Kumar, Advocate for the petitioner.

Mr. Adesh Pal Singh, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

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):-

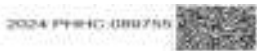
FIR No.	Dated	Sections	Police Station
52	28.05.2015	420 IPC	Talwara, District Hoshiarpur

2. 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 not committed any crime. He submits that the petitioner has been declared as proclaimed offender in this case wayback on 17.02.2016 and the petitioner was not aware of any criminal case pending against him nor he received any summons or proclamation in this case and was arrested on 16.01.2024, since then he is in custody. He submits that challan has already

been presented in Court and prosecution has cited 18 witnesses to be examined, which will take sufficient long time and hence he prays for grant of concession of bail to the petitioner.

3. Per contra, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that the petitioner had been evading arrest for many years after registration of the FIR and if granted bail he will abscond, as such he prays for dismissal of the petition.

4. After considering the rival contentions and perusing the record, it transpires that the instant case was registered, on the complaint from Shiv Kumar against Shankar Singh, of committing fraud on the pretext of sending abroad was received by the police wherein it was alleged that the complainant and one Rakesh Kumar had been sent to Malaysia on 18.09.2013 by Shankar Singh and had taken ₹1,30,000/- and ₹1,23,000/- from Rakesh Kumar. It is alleged that they were sent by Shankar Singh at wrong place due to which they were forced to work there without salary and on return to India, the instant complaint was filed on the basis of which the instant FIR was registered and the petitioner was nominated later on. Admittedly, the petitioner was declared as proclaimed offender in the case vide order dated 17.02.2016 and arrested on 16.01.2024, challan has already been presented against the petitioner wherein the prosecution has cited 18 witnesses, the petitioner is not having any other criminal case registered against him and even from the perusal of the FIR it transpires that complainant had not revealed any allegations against him in the FIR as it was filed only against Shankar Singh. Considering the above said facts and circumstances and also the fact that conclusion of trial will take sufficient



long time to ascertain criminal liability, if any, of the petitioner and no purpose would be served by detaining the petitioner any longer in custody.

5. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular 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.

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

(SANJIV BERRY)
JUDGE

17.07.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |