

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

CRM-M-21763-2024

Date of Decision: 24.07.2024

Surjit Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. In compliance of order dated 07.05.2024, status report by way of an affidavit of Deputy Superintendent of Police, Mehal Kalan, District Barnala has been filed by learned State counsel in Court today and the same is taken on record.
2. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.02 dated 03.01.2018 registered under Section 420 of IPC, 1860 at Police Station Mehal Kalan, District Barnala, Punjab.
3. The FIR in the present case was registered on the basis of the statement made by Tarsem Singh son of Harnek Singh, resident of village Kalal Majra. The complainant alleged that the petitioner had posed himself as General Manager in Railways and had fraudulently taken an amount of



Rs.16.20 lakhs from him on the false promise of getting him employed in the Railways. It was also alleged that the petitioner had also cheated several other people and had taken huge amounts from them and various other FIRs with similar allegations have been registered against him.

4. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case as there was only a monetary dispute between the parties. He further contends that a simple financial dispute between the parties has been converted into a criminal offence. He further contends that the petitioner is in custody since 12.07.2023 i.e. for the last more than 01 years and the conclusion of the trial may take quite a long time.

5. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that four more FIRs of similar nature have been ordered to be registered against the petitioner. He further contends that even in the present case, the petitioner was declared a proclaimed offender and was arrested on 12.07.2023. He, however, admits that no prosecution witness has been examined so far.

6. I have heard learned counsel for the parties at considerable length and have perused the record carefully.

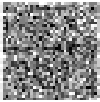
7. In the present case, the petitioner is continuing in custody for the last more than 01 year and no witness has been examined by the trial Court so far. Even though, 04 more FIRs have been ordered to be registered against the petitioner, however, petitioner cannot be denied the concession of bail in the present case only on the ground that the petitioner has been able to make out a case for grant of bail in the facts and circumstances of the present case. The



reliance can be placed on the law laid down by the Hon'ble Supreme Court in the matter of "***Prabhakar Tewari Vs. State of U.P., and another***" 2020(1) R.C.R. (Criminal) 831 where it has been held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of "***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another***" 2012(1) R.C.R. (Criminal) 586. Moreover, all the offences, in the present case, are triable by the Court of Magistrate and the conclusion of the trial may take quite a long time. No purpose will be served by keeping the petitioner behind bars.

8. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*



- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

24.07.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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