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

CRM-M-23780-2023 (O&M)

Date of decision : 15.04.2024

Mohit Kumar Sangwan @ Tinku

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Shweta Bawa, Advocate,
for Mr. Balraj Gujjar, Advocate,
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana,
assisted by SI Om Prakash.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.137 dated 30.07.2022, under Sections 406, 420, 467, 468, 471, 201 & 120-B of the Indian Penal Code, 1860; and Sections 10 & 24 of the Emigration Act, 1983, registered at Police Station Sadar Jagadhri, District Yamunanagar.

2. Allegations are that petitioner along with other co-accused duped the informant-Tarsem Singh and his son Pardeep Kumar of Rs.16,00,000/- on the pretext of sending the Pardeep Kumar abroad.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 20.11.2023 and he is regularly appearing before learned trial Court. There is no apprehension

that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner.

4. Learned State Counsel, on instructions, has fairly acknowledged the above factual position.

5. Heard learned counsel for both the sides and perused the paper book.

6. It is a matter of record that petitioner was granted interim bail by this Court on 20.11.2023 and the order reads as under:-

“Learned counsel for the petitioner contends that main accused has not been apprehended till date by the police and co-accused (Dilraj Singh) with similar allegations has already been granted concession of bail pending trial by Co-ordinate Bench vide order dated 24.04.2023 (P-2) passed in CRM-M-4060-2023.

Notice of motion.

On asking, Mr. Ashok Singh Chaudhry, Addl. A.G., Haryana, accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 10.01.2024.

In the meantime, petitioner is ordered to be released on interim bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.”

7. It is acknowledged by learned State counsel that in terms of the aforesaid order, petitioner was released on interim bail and he is regularly appearing before learned trial Court; there is no allegation that he is likely to misuse the concession of bail or hamper the

proceedings in case his/her/their interim bail is made absolute; and out of total 11 prosecution witnesses, only 09 have already been examined; hence, sending the petitioner(s) to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 20.11.2023, is made absolute. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner(s) shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations may not be construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

12. Pending application(s), if any, shall also stand disposed off.

15.04.2024
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No