



CRM-26377-2024 in/and
CRM-M-24942-2024

-1-

121

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-26377-2024
in/and CRM-M-24942-2024
Date of Decision: 03.07.2024

Manik Singhal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Mayank Aggarwal, Advocate
for the appicant/petitioner.

Mr. Nirmaljit Singh Diwana, Sr. D.A.G., Punjab.

HARSH BUNGER J. (ORAL)

CRM-26377-2024

1. This is an application filed on behalf of the applicant/petitioner seeking interim bail in view of the fact that the father of the applicant/petitioner has expired on the intervening night of 02/03.07.2024 and since he is the only son, he has to carry out the last rites.



**CRM-26377-2024 in/and
CRM-M-24942-2024**

-2-

1.1. An alternate prayer has been made for preponing the date of hearing in the main case (CRM-M-24942-2024), which is fixed for 04.07.2024.

2. In view of the reasons mentioned in the application, the main case (**CRM-M-24942-2024**) is preponed and is taken up on board today itself.

CRM-M-24942-2024

1. Petitioner (Manik Singhal) has filed this fourth petition under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the petitioner in case FIR No.14, dated 11.02.2023, under Sections 420, 120-B of the Indian Penal Code, 1860 (Sections 467, 468 and 471 of the Indian Penal Code were added later on), registered at Police Station Ghanaur, District Patiala (Annexure P-1).

2. The earlier petitions (CRM-M-26960-2023, CRM-M-33758-2023 and CRM-M-19767-2024) were dismissed as withdrawn vide orders dated 31.05.2023, 18.12.2023 and 06.05.2024 (Annexures P-2, P-3 and P-9) respectively.

3. Briefly, FIR No.14 dated 11.02.2023 (Annexure P-1) was registered on the complaint of one Roshan Lal Jindal son of late Sh. Barkha Ram Jindal, seeking legal action against the accused persons namely, Gurmeet Singh, Gurjant Singh sons of Hardial Singh, who, conniving with Smt. Harjeet Kaur wife of Gurmeet Singh and Nachattar Kaur wife of Late Sh. Hardial Singh, their nephew (Bhanja), Manik (petitioner) son of Rajeev Kumar and Harjeet (Mobile No. 09988107257) cheated the complainant by



**CRM-26377-2024 in/and
CRM-M-24942-2024**

-3-

showing a forged *Aks Latha* and wrong land (someone else's land) and committed fraud and cheating of Rs.1,60,00,000/-.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. Learned counsel for the petitioner submits that the petitioner is in custody since 21.02.2023, investigation in this case is complete, however, trial is likely to take some time. Learned counsel for the petitioner submits that even otherwise the matter has been compromised between the parties and in this regard, a compromise quashing petition bearing No. CRM-M-5201-2024 is pending consideration before this Court, wherein notice of motion was issued on 01.02.2024 with a direction to the parties to appear before the trial Court/Area Magistrate for getting their statements recorded as regards the compromise dated 21.02.2024. It is submitted that other co-accused namely Sandeep, who is similarly circumstanced as the petitioner, has already been granted the concession of anticipatory bail vide order dated 07.02.2024, passed by a Co-ordinate Bench of this Court (Annexure P-8). It is further submitted that the petitioner is stated to be involved in two other cases, however out of the said two cases, in case FIR No.40, dated 16.01.2022, he has already been granted bail vide order dated 11.07.2023, passed by learned Judicial Magistrate Ist Class, SAS Nagar (Annexure P-10). As regards another FIR No.362, dated 06.09.2021, the matter has already been compromised between the parties vide compromise deed dated 28.10.2021 (Annexure P-11).

Learned counsel for the petitioner submits that the petitioner is



**CRM-26377-2024 in/and
CRM-M-24942-2024**

-4-

ready to abide by all the conditions as may be imposed by this Court or by the trial Court. Accordingly, prayer for grant of regular bail is made.

5. On the other hand, learned State counsel has opposed the plea of petitioner for grant of regular bail on the ground of seriousness and gravity of the offence, however, it is not disputed that the co-accused namely Sandeep has already been granted the concession of anticipatory bail by a Co-ordinate Bench of this Court. It is also not disputed that the compromise quashing petition has already been filed.

Learned State counsel has stated that the petitioner is involved in two other cases, however, he does not dispute that in case FIR No.40, dated 16.01.2022, the petitioner is already on bail and as regards the case FIR No.362, dated 06.09.2021, the matter has already been compromised between the parties. However, learned State counsel further states that there is an apprehension that in the event of bail, the petitioner may abscond to delay the trial. Accordingly, prayer has been made for dismissal of the present petition.

6. I have heard learned counsel for the parties and perused the paper book.

7. In the instant case, the matter already stands compromised between the parties and a quashing petition (CRM-M-5201-2024) on the basis of compromise has already been filed, in which the parties have already been directed to appear before the trial Court/Area Magistrate for getting their statements recorded as regards the compromise dated 21.02.2024. The petitioner is in custody since 21.02.2023; investigation in



**CRM-26377-2024 in/and
CRM-M-24942-2024**

-5-

this is complete; therefore, the trial in this case is likely to take some time to conclude.

8. Hon'ble Apex Court in case titled *Dataram Singh v. State of Uttar Pradesh & Anr, 2018(2) RCR (Criminal) 131*, has held that freedom of an individual cannot be curtailed for indefinite period, especially when his/her guilt is yet to be proved. It has been further held by the Hon'ble Apex Court in the aforesaid judgement that a person is believed to be innocent until found guilty.

9. Hon'ble Apex Court in case titled *Umarmia Alias Mamumia v. State of Gujarat, (2017) 2 SCC 731*, has held delay in criminal trial to be in violation of right guaranteed to an accused under Article 21 of the Constitution of India.

10. In *Manoranjana Singh alias Gupta v. CBI, (2017) 5 SCC 218*, Hon'ble Apex Court has held that the object of the bail is to secure the attendance of the accused in the trial and the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial.

11. Pertinently, appropriate directions can be issued for securing the attendance of the petitioner in the trial.

12. So far as the apprehension expressed by learned State counsel that the petitioner may abscond in order to delay the trial, suffice it to state that in the event of any such conduct, the prosecution can always approach the competent Court for cancellation of bail. Accordingly, it is observed that the State/Prosecuting Agency/State police shall be at liberty to observe the



**CRM-26377-2024 in/and
CRM-M-24942-2024**

-6-

behaviour of the petitioner during the bail period, and in case it feels that the petitioner is indulging in influencing any of the witnesses or tampering with the prosecution evidence in any manner or otherwise causing interference with the progress of trial, it shall be open for the State/Prosecuting Agency/State police to move to the trial Court for cancellation of the bail, which shall be decided by the trial Court on merits.

13. In view of the above discussion, present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case/trial and any change in the address shall be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity. The petitioner shall also appear before the concerned Police Station/Station House Officer on first Monday of every month till the conclusion of trial and in case the Station House Officer refuses to mark his presence, he is permitted to make an application before the Illaq Magistrate, concerned.

14. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.



-7-

- 03.07.2024**
Himani

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No