



CRM-M-26895-2024

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(222)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26895-2024

Date of Decision: 30.05.2024

HARKANWAL SINGH @ KAMALJIT SINGH CHEEMA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Arnav Sood, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.0196 dated 14.12.2022 registered under Section 420 IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Dasuya, District Hoshiarpur.

2. The learned counsel for the petitioner contends that co-accused Iqbal Singh Sadhu had been granted the concession of regular bail vide order dated 07.02.2023 (Annexure P-4) based on a compromise with the complainant. Co-accused Daljit Singh @ Jeeti had been granted the concession of interim anticipatory bail vide order dated 06.02.2024 (Annexure P-3). As the petitioner was in custody since 29.03.2024, the challan stood submitted but none of the 11 prosecution witnesses had been

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examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

3. On the other hand, the learned State counsel contends that the petitioner was a habitual offender with two other cases registered against him arising out of FIR No.141 dated 18.07.2023 under Section 420 IPC and Section 13 Punjab Professional Act, P.S. Dasuya and FIR No.140 dated 15.11.2022 under Sections 420/465/467/468/471/120-B IPC, P.S. Bhog Pur. Therefore, he was not entitled to the concession of bail. He, however, concedes that one co-accused had been granted the concession of regular bail and the other the concession of interim anticipatory bail on the basis of a compromise with the complainant. He also concedes that the petitioner was in custody since 29.03.2024 and that none of the 11 of the prosecution witnesses had been examined so far.

4. I have heard the learned counsel for the parties.

5. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Two co-accused of the petitioner have been granted the concession of regular bail and interim anticipatory bail respectively. The petitioner is in custody since 29.03.2024 but none of the 11 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

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6. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Harkanwal Singh @ Kamaljit Singh Cheema son of Daljit Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

7. In addition, the petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

8. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

30.05.2024

JITESH

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