



219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33874 of 2024
Date of Decision: 23.07.2024

Pushpinder Singh ...Petitioner
vs.
State of Punjab ...Respondent

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

Present : Mr. Sarabjit Singh Cheema, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.05 dated 19.01.2019 registered under Section 420 of IPC, at Police Station Jodhan, District Ludhiana.
2. Learned counsel for the petitioner contends that the allegations in the present FIR pertained to various transactions, which had taken place in the year 2012 and the FIR has been got registered by the complainant after unexplained delay of 7 years. He further contends that the petitioner had not committed any fraud as the possession of the land had already been delivered to father of the complainant. Later on, father of the complainant had expired and the possession of the land is still with the complainant. Learned counsel further contends that in fact, there is a simple civil dispute between the parties and by colluding with the police, the complainant got the same converted into the criminal offence illegally. Learned counsel further contends that the petitioner



was arrested in the present case on 01.05.2023 and is in custody for the last about one year and three months. The police has already conducted the investigation and the final report under Section 173 Cr.P.C. has already been presented against him. He further contends that the prosecution has relied upon 12 witnesses, but no witness has been examined so far.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender and 8 more cases have been registered against him. However, he admits that no prosecution witness has been examined so far and all the offences are triable by the Court of Magistrate.

4. I have heard the learned counsel for the parties and perused the record.

5. The petitioner is in custody for the last about one year and three months. All the offences, in the present case, are triable by the Court of Magistrate and no witness has been examined so far and the conclusion of the trial may take quite a long time. No doubt, other FIRs have been ordered to be registered against the petitioner, but the 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.

6. 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 bail bonds and surety bonds of the petitioner.

23.07.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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