



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

235

CRM M-34460 of 2024
Date of Decision: 25.07.2024

Harjinder Singh		...Petitioner
	Versus	
State of Punjab		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Rahul Deswal, Advocate, for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.70 dated 28.07.2015 registered under Section 406, 420 and 120-B of IPC at Police Station Lehra, District Sangrur.
2. Learned counsel for the petitioner contends that the allegations levelled against the present petitioner are completely vague and without any basis. The allegations pertain to the period 2012 to 2014 but the FIR has been registered in the present case on 28.07.2015 after a long delay. He further contends that the FIR has been registered under Sections 406 and 420 IPC, which are antithesis to each other and the offences have been added, just to make the offence graver. Learned counsel further submits that the petitioner was arrested in the present case on 28.11.2023 and is in custody for the last about 8 months. He further contends that the challan has

already been presented against the petitioner and no offence has been examined so far.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

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

5. It is not in dispute that the similarly placed co-accused Darshan Singh and Kamal Kant have already been granted the concession of bail vide orders (Annexures P-4 and P-7), respectively. Apart from that, Doller Goyal and Brish Bhan Singh, who are also similarly placed with the petitioner have already been granted the concession of bail vide order (Annexures P-5 and P-6). Thus, no purpose will be served by keeping the petitioner behind the bars.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM 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 gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.*

(vii) *The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

(viii) *The petitioner shall report every 1st and 3rd Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him*

shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

25.07.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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