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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36624-2024
Decided on : 06.09.2024

Biju Dangwal @ Vijay
... Petitioner

Versus

State of Haryana
... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. S.S. Narula, Advocate
for the petitioner

Mr. Deepak Thukral, Addl. A.G. Haryana and
Mr. Brijesh Sharma, AAG Haryana

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.402 dated 27.07.2023 registered under Sections 406 and 420 of IPC and Section 24 of Emigration Act, 1983 at Police Station Naraingarh, District Ambala, Haryana.

2. Learned counsel for the petitioner *inter alia* submits that it is alleged that the petitioner duped the complainant's daughter namely Hardeep Kaur on pretext of sending her and her two children to Australia but instead took them to Thailand. Learned counsel further submits that nine more cases are registered against the petitioner, however, five cases were registered within a span of one month and in three cases the petitioner is on regular bail. He further submits that

The petitioner has already undergone an actual custody of 11 months and 28 days.

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3. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 11 months and 28 days. He further submits that the charges in the present case were framed on 10.10.2023 and out of 10 prosecution witnesses, 02 prosecution witnesses have been examined. He, however, submits that there are serious allegations against the petitioner and he is not entitled to the concession of regular bail.

4. Heard the rival submissions made by learned counsel for the parties.

5. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, charges have been framed on 10.10.2023 and out of 10 prosecution witnesses, two prosecution witnesses have been examined till date. The petitioner has undergone actual custody of 11 months and 28 days and there are nine more cases pending against him.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

(i) The petitioner will not tamper with the evidence during the trial.

(ii) The petitioner will not pressurize/intimidate the prosecution witness(s).

(iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.

(iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is



suspected.

(v) 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/her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.
8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

06.09.2024
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(KIRTI SINGH)
JUDGE

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