

225

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-39837-2023

Date of Decision: 27.02.2024

Honey @ Honey Bhardwaj

...Petitioner

vs.

State of Punjab

...Respondents

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

Present : Mr. N.S.Sodhi, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. On the oral request made by learned counsel for the petitioner, the offence under Sections 489-D and 489-E are ordered to be added in the head note as well as prayer clause of the main petition. Learned counsel for the petitioner is directed to carry out the necessary correction in Court itself.

2. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.60 dated 13.04.2023 registered under Sections 489-A, 489-B, 489-C, 4879-D, 489-E of IPC at Police Station Sadar Khanna, District Khanna.

3. As per case of the prosecution, on 13.04.2023, a police party headed by Sukhwinder Singh, Incharge P.P. Isru, P.S. Sadar Khanna, Ludhiana along with other police officials was present in the official vehicle for patrolling and checking duty. At about 7.30 p.m., two persons were apprehended and they

disclosed their names and addresses as Kamaljeet Singh @ Kamal son of Bahadur Singh resident of village Ranwa, Tehsil Samrala, District Ludhiana at present resident of house No.216/01, Guron Colony Macchiwala Sahib, P.S. Machhiwara Sahib, District Ludhiana and Honey @ Honey @ Honey Bhardwaj son of Charan Dass, resident of Backside Bus Stand, Near Sai Karyana Store Machhiwara Sahib, P.S. Machhiwara Sahib, District Ludhiana. On suspicion, a bag carried by Kamaljeet Singh was checked and a black t-shirt, one blue jeans and one small blue towel were recovered from the same. A polythene bag was also wrapped in the blue towel, which contained currency notes of denomination of Rs.500/- each. In all, total 95 currency notes, amounting to Rs.47,500/- were recovered from Kamaljeet Singh @ Kamal and were taken into possession by the police. Separate recovery of 100 currency notes amounting to Rs.20,000/- was made from Honey @ Honey Bhardwaj. With these broad allegations, the FIR was registered against the present petitioner and his co-accused.

4. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 13.04.2023 and the trial before the trial Court has not progressed much. He further contends that another co-accused Kamaljeet Singh @ Kamal has already been granted the concession of bail by this Court, vide order dated 04.08.2023. Even other co-accused, Manoj Kumar @ Vijay has also been granted the concession of bail by this Court vide order dated 22.11.2023 passed in CRM-M-35244-2023.

5. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground there are

serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

6. It is not in dispute that the petitioner is in custody since 13.04.2023 and the challan has already been presented against him. However, the trial is yet to formally commence against the present petitioner.

7. 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 bails bonds and surety bonds of the petitioner.
- (viii) The petitioner shall report every 1st 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 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.

27.02.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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