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

CRM M-46392-2023 (O&M)

Date of Decision: 25.01.2024

Vijay Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Angad Parmar, Advocate for
Mr. Vivek K. Thakur, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.200 dated 04.10.2022 registered under Sections 406, 420, 120-B & 201 IPC at Police Station, Sadar Kharar, District SAS Nagar.

2. Petitioner along with his co-accused is alleged to have deceived the complainant of Rs.70,00,000/- on the pretext of getting him inducted in the government job, but neither the job was given; nor the amount was refunded.

3. This Court, on 14.11.2023, granted interim bail to the petitioner in the following order:-

“Contends that co-accused Parabjit Singh @ Prabhjit Singh with the similar allegations has already been granted the concession of interim bail by this Court in CRM-M-55288-2023.

Learned State counsel seeks time to have instructions in the matter. To be heard with CRM-M-55288-2023.

Posted on 25.01.2024.

In the meantime, petitioner is ordered to be released on interim bail in the present case till the next date of hearing on furnishing

bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

4. Learned counsel submits that petitioner was granted interim bail by this Court on 14.11.2023 and since then, he is regularly appearing before the learned trial Court. Also contends that there is no other criminal case pending against the petitioner.
5. Learned State counsel, upon instructions, has fairly acknowledged the above factual position.
6. Heard learned counsel for both the sides and perused the paper book.
7. Concededly, charges were framed on 14.06.2023 and out of 27 prosecution witnesses, none has been examined so far. Petitioner has already been granted interim bail by this Court and he is regularly appearing before the Court below. There is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in any manner, in case his interim bail is made absolute. Thus sending the petitioner to custody at this stage would not serve any purpose.
8. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 14.11.2023, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).
10. The above observations may not be construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order. Also clarified that non-appearance of petitioner before the learned trial Court shall be construed as misuse of the concession.

12. Pending criminal misc. application(s), if any, shall also stand disposed off.

25.01.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No