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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-46773-2024
Date of decision:-13.12.2024

PANKAJ RANA
Versus
STATE OF PUNJAB
... Petitioner
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Kanwar Abhay Singh, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, for grant of regular bail in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
112	15.07.2024	212, 236, 237, 319 (2), 318(4), 336(2), 338, 336 (3) & 340(2) BNS, 2023	Division No.5, District Police Commissionerate, Ludhiana

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case merely on the basis of suspicion without there being any cogent reason to connect him with the alleged crime. He submits that the petitioner is in custody since 18.07.2024 in the present case triable by the Court of Magistrate. The petitioner is not having any criminal antecedents and after



completion of investigation, challan has already been presented in court, wherein prosecution has cited 14 witnesses. He submits that conclusion of trial will take sufficient long time and during course of the trial the complainant of the case has been examined, who has failed to attribute any role qua the present petitioner and categorically admitted that she had not seen the present petitioner signing on any surety nor had she identified him present in court. He has placed on record copy of testimony of complainant as PW-1 on record and submits that complainant/witness had even gone to the extent of admitting that she had not seen the present petitioner in Court on the date of the alleged occurrence. He submits that the entire case of the prosecution rest on one disclosure statement of co-accused naming the present petitioner, The evidentiary value of which is debatable. Hence he prays for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by State has opposed the bail petition by submitting that the petitioner has tried to furnish fixed surety in the Court pretending himself to be Kulwinder Singh as such he is not entitled to concession of bail. However, filing of the challan after completion of investigation and examination of complainant as PW-1 during trial is not disputed.

5. After considering the rival contentions and perusing the record, it transpires that as per the allegations levelled by the prosecution the complainant had lodged the instant FIR finding some person giving fake surety for the release of one accused. Admittedly, petitioner is not named in the said complaint and his name surfaced only in the disclosure statement of

the co-accused. Consequently he was arrested on 18.07.2024 and is in custody till now. The challan has already been presented after completion of investigation and during course of trial, the complainant has been examined as PW-1, who had categorically admitted having not seen the petitioner in Court on the date when the fake surety was given in the Court nor could see identified the present petitioner during course of trial. The prosecution has cited 14 witnesses and it will take sufficient long time for the prosecution to conclude the trial in the present case triable by the Court of Magistrate.

6. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

13.12.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |