

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

CRM M-49598 of 2023 (O&M)
Date of Decision:15.04.2024

Balwinder Singh ...Petitioner
Versus
State of Punjab ... Respondents

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

Present : Mr. T.P.S. Bawa, Advocate, for the applicant/petitioner.

Mr. Deepinder Brar, Sr. DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

CRM 12658 of 2024

1. Learned counsel for the applicant/appellant does not press the present application, at this stage.
2. Dismissed as not pressed, at this stage.

CRM M-49598 of 2023

1. On the oral request of learned counsel for the petitioner, Section 201 IPC is ordered to be added in the head note as well as prayer clause of the petition and the learned counsel for the petitioner is directed to carry out the necessary corrections, in the Court itself.
2. 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.0005 dated 11.01.2023 registered under Sections 420, 465, 466,

467, 468, 471, 201 and 120-B of IPC, Police Station City Rupnagar, District Rupnagar.

3. Learned counsel for the petitioner contends that the complainant has got the present FIR registered against the petitioner with the help of certain influential persons. In fact, the entire occurrence pertains to the year 2012, whereas the FIR has been got registered by the complainant on 11.01.2023 after a long and unexplained delay. Learned counsel further contends that there was no fraud with the complainant as he was well aware of the nature of the land and had already visited the land in question several times. Learned counsel further contends that the similarly placed co-accused Satya Devi has already been granted the concession of bail by the trial Court. Learned counsel further submits that the petitioner was arrested in the present case on 31.08.2023 and is in custody since then. He further contends that the statement of the complainant has already recorded by the trial Court and no purpose will be served by keeping him behind the bars.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that three more cases of similar nature have been registered against the present petitioner. However, he admits that the petitioner is on bail in the said cases. He further submits that two cases under Section 174-A IPC were registered against the present petitioner and the petitioner may evade the process of law.

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

6. No doubt, three more cases of similar nature were registered against the present petitioner but the petitioner was on bail in all the three cases. Still further, the apprehension expressed by the learned State counsel can be addressed by imposing stringent conditions on the petitioner, while granting him concession of bail. In the present case, all the offences are triable by the Court of Magistrate and the petitioner is in custody for the last more than 07 months. Thus, no purpose will be served by keeping him behind the bars.

7. 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 is involved 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 on every 1st Monday of English calender month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.*

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

15.04.2024

amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No