

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-44996-2019

Date of decision: 03.05.2024

Bhagwan Dass @ Tony

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Mr. Ravish Bansal, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (third) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.154 dated 12.07.2018 under Sections 419/ 420/ 465/ 467/ 468/ 471/ 199/ 200/ 120-B of the IPC registered at Police Station Civil Lines, District Bathinda.

2. Specific reply by way of affidavit of Saravjeet Singh Brar, PPS, Deputy Superintendent of Police, City-2 Bathinda, on behalf of the respondent-State, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case on the grounds of allegedly manipulating a cash credit limit for his firm from the bank

using counterfeit documents and signatures of the complainant, who was deceitfully portrayed as the guarantor. It has been contended that the petitioner's false implication is further supported by the fact that he was not involved with the bank accounts of the firm which were being managed by the authorised signatories namely Gurdas and Kunal, and still further he did not even benefit from the transaction in question. Learned counsel has further asserted that following the interim bail concession granted to the petitioner by a Coordinate Bench of this Court in June, 2020, the petitioner had been regularly appearing before the learned Trial Court on each and every date of hearing. Moreover, an application under Section 319 of the Cr.P.C. for summoning of additional accused, was allowed, which had resulted in commencement of a denovo trial. Consequently, considering the fact that the trial would take considerable time to conclude, a prayer has been made for making the order dated 08.06.2020 absolute as no useful purpose would be served to send him back to custody for remaining part of the trial.

4. Per contra, learned counsel for the State assisted by learned counsel for the complainant while opposing the prayer and submissions made by the counsel opposite, does not dispute that the petitioner had indeed been appearing before the learned Trial Court regularly, following the grant of interim bail to him. It has also not been disputed that even the co-accused has been extended the concession of bail. The status/stage of trial has also not been disputed by the learned State counsel on instructions, who has apprised the Court that only 09 out of the 16 prosecution witnesses stand examined till date.

5. Learned counsel appearing for the complainant has,

however, opposed the prayer made by the counsel opposite by reiterating the allegations levelled against the petitioner in the FIR in question and also the factum of the petitioner's involvement in one other criminal case registered on 25.07.2023 under Section 448/511/420/465/467/468/471/120-B of the IPC.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. As not disputed by the learned State counsel, the petitioner has been regularly appearing before the learned Trial Court after he was extended the concession of interim bail by a Coordinate Bench of this Court. There is no likelihood of the trial concluding anytime in the near future as 07 prosecution witnesses still remain to be examined. Hence, in the facts and circumstances as enumerated hereinabove especially keeping in mind that the FIR in question was registered way back on 12.07.2018 and all the offences are triable by Magistrate, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing fresh bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

03.05.2024

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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