

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.52651 of 2023

Date of decision: 16th April, 2024

Arun Kumar Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rishu Garg, Advocate for
Mr. A.S. Kalra, Advocate for the petitioner.

Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.44 dated 27.07.2023 under Sections 420, 467, 468, 471 of the IPC registered at Police Station Taragarh, District Pathankot.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the instant case for allegedly luring the complainant into parting with a sum of ₹5.50 lacs on false assurance that he would get his son employed in Merchant Navy, however, neither the petitioner kept his promise nor did he return the amount to the complainant. It has been further submitted that the petitioner has now been in custody since 28.07.2023 and after charges

were framed on 06.11.2023, the sole material witness in the case at hand i.e. the complainant stands examined, however, there is no likelihood of the trial concluding in the near future as 13 prosecution witnesses still remain to be examined. A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Kuldeep Raj, has not been able to dispute the stage of the trial and the factum of the sole material witness i.e. the complainant having been examined by the trial Court. Learned State counsel has reiterated the allegations levelled in the FIR in question and has further submitted that the petitioner is a man of criminal antecedents as he has been involved in similar criminal cases on previous occasions as well.

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

5. The petitioner has now been in custody since 28.07.2023 in a Magisterial trial. The possibility of the trial concluding in the near future does not seem probable as 13 prosecution witnesses still remain to be examined. The sole material witness i.e. the complainant already stands examined, and hence there can be no apprehension of the petitioner intimidating/influencing the witnesses. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is

allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

April 16, 2024
rps

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