



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

**CRM-M-49587-2024
Date of Decision: 15.10.2024**

Gaurav Sharma

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vijay Rana, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 113 dated 02.08.2023, registered under Sections 380, 406, 420, 411, 201, 120-B of IPC (offence under Sections 411 and 201 of IPC added later on), Police Station Division No.7, Jalandhar, District Jalandhar Commissionerate. (Annexure P-1).

2. Learned counsel for the petitioner contends that all the allegations in the FIR, pertains to the year 2018/2019, whereas, the FIR in the present case has been registered after a long and unexplained delay on 02.08.2023. He further contends that even as per the complainant, she had approached Sh. Gopal Krishan Manchanda, owner of M/s Manchanda Enterprises for the renovation of her flat. Gopal Krishan Manchanda and his son had further introduced the complainant with the petitioner by saying that he would handle the assignment further. In fact, the petitioner was employee of Gopal Krishan



Manchanda and as such, he was assigned the duties to execute some work of renovation at the flat of the complainant. The petitioner also executed some work, which was assigned to him and he had no concern with the allegations levelled by the complainant. Learned counsel further contends that the allegations were mainly levelled against Gopal Krishan Manchanda and his son, who compromised the matter with the complainant and falsely involved the petitioner, just to extract the money. The petitioner was arrested in the present case on 08.08.2023 and after completion of the investigation, the final report under Section 173 Cr. P.C. has been presented before the Court. Even all the offences are triable by the Court of Magistrate and the petitioner has also suffered the incarceration for such a long period.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner along with his co-accused had cheated the complainant to the tune of Rs.1.75 crores. Even the serious allegations have been levelled against the petitioner and he is in a position to influence the witnesses of the prosecution.

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

5. In the present case, it is apparent that even though serious allegations have been levelled against the present petitioner, but at the same time, the petitioner is in custody as an undertrial prisoner for the last more than one year and two months. In the present case, all the offences are triable by the Court of Magistrate and the conclusion of the trial may take quite a long time.

Apart from that, Monika Rani, co-accused against whom identical allegations



have been levelled, has already been granted the concession of bail by the Court of Additional Sessions Judge, Jalandhar, vide order dated 03.11.2023 (Annexure P-2). Still further, there is no material to indicate that the petitioner is in a position to influence the witnesses of the prosecution or to tamper with the prosecution evidence in any manner.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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.

7. 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.

15.10.2024

hitesh

(N.S.SHEKHAWAT)
JUDGE

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