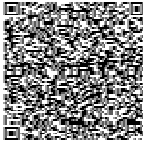


2024:PHHC:171140



213.
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-52199-2024 (O&M)
Date of decision: 19.12.2024

Hans Raj....Petitioner

Versus

State of Punjab....Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Swarn Sandhir, Advocate, for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-41757-2024

Application is allowed, as prayed for.

CRM-M-52199-2024

Present petition has been filed under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.213, dated 13.10.2021, under Sections 417, 420 of IPC and Sections 7, 13 of Prevention of Corruption Act, 1988, registered at Police Station Sujanpur, District Pathankot.

Learned counsel for the petitioner submits that highly unbelievable version has been brought forth in the FIR in question qua the petitioner of having accepting Rs.3,50,000/- from the complainant on the pretext of arranging government job for his son. It has been contended that

the entire case of the prosecution is based on documentary evidence; not only has the challan been presented in the present case but even the most material witness i.e. the complainant stands examined. Hence, further incarceration of the petitioner would serve no useful purpose as he has now been in custody since 20.04.2024 and 16 prosecution witnesses still remained to be examined. A prayer has, therefore, been made for extending the concession of bail to the petitioner.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel opposite, on instructions, has not disputed the custody period of the petitioner nor has he disputed the stage of trial. However, he has reiterated the allegations levelled in the FIR against the petitioner which stands reproduced hereinunder:-

“To, Hon’ble S.S.P. Sahib, Pathankot. Application against **Hans Raj** resident of Gidarpur regarding cheating by taking Rs.3,50,000/- from me by promising to arrange job for my son. Sir, It is requested that I, PHG Tara Chand son of Sh.Charan Dass am resident of Jhandpur, PS Sujampur, Tehsil and District Pathankot. That the above Hans Raj who is Veterinary Doctor and that above said Hans Raj used to visit our house to treat our ailing animals and acquaintance developed with him. Above said Hans Raj said that he will get your son employment in our department and have taken Rs. 1,50,000/- from me on dated 13.12.2017 which were credited in his Bank Account and on dated 21.04.2017 Rs. 1,00,000/- in cash and on dated 14.09.2018 Rs. 1,00,000/- in cash. In this manner Rs. 3,50,000/- were paid to above said Hans Raj and above said Hans Raj has not got my son employed till date and has been asking me again and again to pay money. And above said person has been dilly dallying the matter. Thereafter on dated 16.03.2021 gave me cheque No.055259 for Rs.1,50,000/- drawn on Union Bank Branch Sharna. I deposited the said cheque in my Bank Account and the same was dishonoured due to non availability of funds in that account. I request your goodself that legal action may be taken against above said person and justice be done to me. I shall be highly thankful. Yours faithfully, PHG Tara Chand son of Charan Dass, resident of Jhandpur, Tehsil Pathankot dated 7.5.2021.”

On a further query, learned State counsel has not disputed that the sole material witness in the present case i.e. the complainant, stands examined. Learned State counsel has, on further instructions, however, submitted that the petitioner is facing one more criminal case of identical nature.

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

The case at hand is based on documentary evidence which is already part of the challan; the sole material witness i.e. the complainant stands examined. In the circumstances, this Court deems it fit to extent the concession of bail as there can be now no possibility of the petitioner tampering with evidence or influencing/intimidating the witnesses.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing 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.

(MANJARI NEHRU KAUL)
JUDGE

December 19, 2024
sanjeev

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