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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-54419-2024 (O&M)

Date of Decision : 11.11.2024

Arvind Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

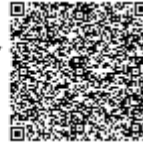
Present: Mr. H.K. Brinda, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG, Punjab.

KIRTI SINGH, J.(Oral)

1. The jurisdiction of this Court under Section 483 BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.0016 dated 22.03.2024 under Sections 457/380 IPC (Section 120-B, 201 IPC added later on), registered at Police Station Sadar Rupnagar, Tehsil & District Rupnagar.

2 Succinct factual narrative relevant for the disposal of the instant petition is that on 18.03.2024, complainant Sukhwinder Singh, Chief Chemist, Guru Gobind Singh Super Thermal Plant (in short GGSSTP), Rupnagar, moved a complaint averring therein that on 18.03.2024, at about 09:00 a.m., when the officials of the coal laboratory of the plant reached office, they found that the locks of the main doors of the laboratory and strong room were broken and 16 referral samples of M/s. MDCWL, which were kept in the locked almirah of strong room at laboratory, were also found in damaged condition. It was further averred by the complainant in his complaint that an attempt was made to tamper the samples and



aforementioned complaint, the FIR in question was lodged against unknown person(s).

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and he is doing labour work and has been made scapegoat. He has not been named in the FIR and was called to join investigation on 24.04.2024 at Police Station Ghanauli. On 25.04.2024, the petitioner was called to join investigation. The petitioner joined investigation and he waited till the evening, when he was informed that he was being arrested in the present FIR. He further submits that the petitioner has been implicated on the basis of the disclosure statements of co-accused and for a payment of Rs.50,000/- made by the petitioner to co-accused Pushpinder Pandey. He further submits that similarly situated co-accused Varun Singh has been granted regular bail by this Court vide order dated 12.09.2024 passed in CRM-M-30515-2024.

4. Learned counsel for the petitioner contends that the petitioner is in custody for over 06 months and there is no likelihood of the trial concluding anytime soon. He has placed reliance upon judgments passed by Hon'ble Supreme Court in Special Leave to appeal (Crl.) No. 9817/2024 titled as ***Bibhav Kumar vs. State of NCT of Delhi***, decided on 12.07.2024 and Criminal Appeal No. SLP(Crl.) 5416/2024 titled as ***Prem Prakash vs. Union of India through the Directorate of Enforcement***, decided on 28.08.2024.

5. Learned State counsel has filed the custody certificate in Court today, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 06 months and 08 days and there is no other criminal case

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charges have been framed on 22.10.2024 and out of a total of 14 prosecution witnesses, none has been examined till date. However, in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

6. Heard the rival submissions made by learned counsel for the parties.

7. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. The investigation is complete and out of total of 14 prosecution witnesses none has been examined till date. The petitioner has undergone an actual custody of 06 months and 08 days. The petitioner has clean antecedents and no other case is registered against him. The co-accused Varun Singh has been granted the concession of regular bail by this Court vide order dated 12.09.2024 passed in CRM-M-30515-2024. The conclusion of the trial will take considerable time and further incarceration will not serve any purpose.

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

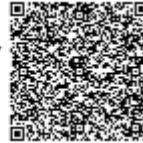
(i) The petitioner will not tamper with the evidence during the trial.

(ii) The petitioner will not pressurize/intimidate the prosecution witness(s).

(iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.

(iv) The petitioner shall not commit an offence similar to the offence of which she is accused of, or for commission of which she is suspected.

(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts



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of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

11.11.2024
Ramandeep Singh

(KIRTI SINGH)
JUDGE

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