



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

106+205

CRM-30279-2024 in/and
CRM-M-4792-2024

Date of decision: March 28th, 2025

Naresh Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Dr. Rau P.S. Girwar, Advocate
with Ms. A.A.P, Rau and Ms. K.T. Rau, Advocates
for the applicant-petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.31 dated 09.03.2019 under Sections 406, 420 of the IPC registered at Police Station Kabarwala, Sri Muktsar Sahib.

2. Status report by way of affidavit of Deputy Superintendent of Police, Sub-Division Lambi, District Muktsar Sahib, has been filed in Court, which is taken on record subject to just exceptions.

3. Learned counsel for the petitioner contends that in a magisterial trial, the petitioner has been in custody since 04.08.2023; the entire case of the prosecution is based on documentary evidence, which is already part of the challan, therefore, there can be no risk of the petitioner tampering with evidence. Still further, it has been contended that after the charges were framed on 24.11.2023, only one prosecution witness out of the 18 had been examined. Hence, in the given

circumstances, the possibility of the trial concluding in the near future did not arise.

4. Learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed the custody period of the petitioner nor has he, on instructions from Inspector Davinder Kumar, disputed the stage of trial. Learned State counsel, on instructions, has also not disputed that the entire case of the prosecution against the petitioner hinges on documentary evidence. However, learned State counsel has contended that the petitioner had misused the concession of bail, which was granted to him earlier as it is a matter of record that he was declared a proclaimed offender on 05.04.2022 and it was only on 04.08.2023, he was re-arrested. In addition, learned State counsel has also drawn the attention of this Court to the allegations levelled against the petitioner pertaining to the misappropriation of approximately 12000 bags of paddy crop, which had been given to him for custom milling.

5. Learned counsel for the petitioner while controverting the submissions made by the State counsel has also submitted that no doubt, the petitioner was earlier declared a proclaimed offender, however, it is also a matter of record that after the petitioner was re-arrested on 04.08.2023, he was extended the concession of interim bail and thereafter had surrendered back in compliance of the order granting him such bail; he never misused the said concession of interim bail. Learned counsel submits that the petitioner be put to any stringent conditions while being extended the concession of bail.

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

7. The entire case of the prosecution hinges on documentary evidence. Prosecution evidence is underway and as 17 prosecution witnesses remain to be examined, the possibility of the trial concluding in the near future seems unlikely.

8. In the given circumstances, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

9. The trial Court may impose any stringent conditions as it deems fit to ensure that the petitioner does not misuse the concession of bail.

10. 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.

March 28th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No