

2025:PHHC:059264



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

222

CRM-M-36397-2024

Date of decision: May 06, 2025

AVTAR SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Samay Singh Sandhawalia, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.30 dated 22.03.2023 under Sections 406 and 420 of the IPC, 1860, registered at Police Station Sadar Rupnagar, District Rupnagar (Annexure P-1).
2. Learned counsel for the petitioner submits that the petitioner has been in custody in a magisterial trial since 09.08.2023; the entire case of the prosecution hinges on documentary evidence, which is already part of the challan, and was presented way back on 06.10.2023. It has been further submitted that charges were framed on 28.11.2023, however, till date, only 2 prosecution witnesses out of the 16 cited had been examined and hence, there is no likelihood of the trial concluding in the near future. It has still further been asserted by the learned counsel for the petitioner that since the entire case of the prosecution is based on documentary evidence, there can be no apprehension of the petitioner misusing the concession of bail by tampering with evidence.



3. On a specific query put to the learned counsel for the petitioner, it has been submitted that the sole material witness i.e. the complainant already stands examined, and therefore, in the circumstances, further incarceration of the petitioner would serve no useful purpose.

4. *Per contra*, learned State counsel, on instructions, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner, which is evident from the custody certificate of the petitioner filed in the Court today, nor has he disputed the stage of trial including the factum of the complainant i.e. the sole material witness, having been examined. However, learned State counsel has reiterated the allegations levelled in the FIR, the relevant extract of which, stands reproduced hereinunder: -

“Sir, it is submitted that I Balwinder Singh son of Sh. Harjeet Singh is resident of Village Mianpur Post Office, Tehsil and District Rup Nagar and I have been retired from Punjab Civil Secretariat as Superintendent on 30.11.2015. I had submitted complaint in your office against Avtar Singh Mobile No.99148-24512 son of Captain Jaswant Singh, resident of Village Arnauli Post Office Morinda, District Rup Nagar for grabbing amount with fraud by opening Preet Audio and Video Company vide diary No.20435/P dated 03.10.2021 (copy attached as evidence). My complaint was sent to Special Branch Rup Nagar for inquiry by you. DSP, Special Branch Rup Nagar had issued notices to me as well as opposite party Avtar Singh to appear on 01.12.2021. On 01.12.2021 both the parties joined inquiry. At the spot Avtar Singh got recorded his statement in writing that he is honor of Preet Audio Video Company and in the company he has got invested Rs. 14,00,000/- from Balwinder Singh son of Sh. Harjeet Singh resident of Village Mianpur Post Office, Tehsil and District Rup Nagar, which has come to



Rs.18,71,000/- with interest and he will be bound to pay the said amount till 25.03.2022 and in case of non- payment of amount, due legal action be taken against him, but Avtar Singh neither paid above amount to me on 25.03.2022, nor is attending my phone call. Kindly legal action be taken against above person for committing fraud and due amount of me as well as my wife Tejinder Kaur be got delivered to us.”

5. Learned State counsel has also submitted that the petitioner, after playing a fraud upon the complainant, had tried to assuage the complainant by giving some cheques, which came to be dishonoured, as a result of which, criminal complainants under Section 138 of NI Act had already been registered against him. In addition, it has been submitted that the petitioner had defrauded many other innocent persons like the complainant, as a result of which, a number of criminal complaints under Section 138 of NI Act had been instituted against the petitioner.

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

7. The petitioner has been in custody since 09.08.2023 in a case triable by Magistrate. The entire case of the prosecution rests on documentary evidence, which as already observed earlier and also not disputed by the learned State counsel, is part of the challan. In case the petitioner is enlarged on bail, there can be no apprehension of the petitioner tampering with evidence.



8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner.

9. 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, while admitting the petitioner to bail, learned trial Court/Duty Magistrate concerned may put him to any stringent conditions as it deems fit, so as to ensure the presence of the petitioner during the trial.

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.

11. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to her.

May 06, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*