



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

CRM-M-58279-2024

Date of Decision: 25.02.2025

Sandip Kapoor

...Petitioner

State of Punjab

vs.

...Respondent

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

Present : Mr. Saransh Sabharwal, Advocate
 for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.207 dated 23.06.2024 registered under Sections 392 of IPC (later on added Sections 120-B, 201, 408, 411 of IPC), at Police Station City Hoshiarpur, District Hoshiarpur.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case only on the basis of the suspicion. In fact, the FIR was initially registered against unknown persons and the petitioner has been named by the co-accused, namely, Yogesh Yadav, in his statement in police custody, which is a weak evidence. Apart from the statement suffered by his co-accused, there is no other legally admissible evidence against the petitioner. He further contends that even the CCTV footage has been recovered by the police during the course of investigation and the presence of the petitioner is not there in the same. Learned counsel further contends that the



petitioner was arrested in the present case on 24.06.2024 and is in custody since then. Challan has already been presented against the petitioner and no witness has been examined so far. Even the co-accused, namely, Krishna Kapoor has also been admitted to bail.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been leveled against the petitioner. However, he admits that there is no other case against the petitioner.

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

5. The petitioner is stated to be in custody for the last about 08 months and charge has been framed against him. However, the prosecution has not been able to examine even a single witness before the trial Court. Still further, the recovery of gold, silver and cash has already been effected from the petitioner and his co-accused. Thus, further custody of the petitioner will not serve any meaningful purpose.

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

25.02.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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