



219/3 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-63235-2024

Date of Decision: 14.01.2025

Gurjinder Singh

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. B.S.Rana, Senior Advocate with
 Mr. Nayandeep Rana, Advocate and
 Mr. Lakshay, Advocate,
 for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

Ms. Bindu Goel, Advocate with
Mr. Gargi Kumar, Advocate and
Mr. Pritish Goel, Advocate for the complainant.

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.300 dated 10.07.2024 registered under Sections 419, 420, 417, 120-B of IPC, later on offences under Sections 465, 467, 468, 471 of IPC added, at Police Station Zirakpur, District SAS Nagar, Mohali.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case by the complainant. The petitioner was arrested on 12.08.2024 and is in custody for the last more than 5 months. He further contends that the investigation has already been completed and the final report under Section 173 Cr.P.C. has been filed before the competent Court. The prosecution has relied upon 14 witnesses, but no witness has been examined so



far and the conclusion of the trial may take quite a long time. Without prejudice to his rights to raise a defence before the trial Court and just to show his bonafides, learned counsel for the petitioner has handed over a demand draft bearing No.001231 dated 10.01.2025 drawn on HDFC Bank for a sum of Rs.5,00,000/- to the complainant.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender and is involved in five more criminal cases of similar nature. Even the petitioner and his co-accused had cheated the complainant to the tune of Rs.49 lakhs and the petition deserves to be dismissed.

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

5. Even though, five more cases have been ordered to be registered against the petitioner, but that is no ground to reject the bail of the present petitioner, when the petitioner has been able to make out a case for grant of bail in the peculiar fact and circumstances of the present case. The reliance can be placed on the law laid down by the Hon'ble Supreme Court in the matter of "***Prabhakar Tewari Vs. State of U.P., and another***" 2020(1) R.C.R. (Criminal) 831 wherein it has been held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of "***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another***" 2012(1) R.C.R. (Criminal) 586. The petitioner is in custody for the last more than 5 months and



all the offences in the present case are triable of the Court of Magistrate. Thus, no witness has been examined by the prosecution and the trial is not likely to conclude in near future.

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.

14.01.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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