

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107+213

CRM-M-31031-2023 (O&M)

Date of Decision: 11.01.2024

AJIT SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present:- Mr. S.K. Jain, Advocate for the petitioner.

Mr. Kamalpreet Bawa, AAG, Punjab.

Mr. Rahul Rathore, Advocate for the complainant.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner pending trial in case FIR No.109 dated 20.07.2022 under Sections 406, 420, 120-B of IPC registered at Police Station City-II, Khanna, District Ludhiana.
2. Learned counsel for the petitioner submits that, in fact, there are two FIRs against the petitioner. In one FIR bearing No.0006 dated 03.01.2022, he has been granted the concession of bail. It is submitted that the regular bail was dismissed by this Court on 24.07.2023 and subsequent thereto, the petitioner had again applied for bail by invoking provisions of Section 437 (6) Cr.P.C. The said application was dismissed, however on his revision the same was allowed and subsequently, the petitioner has been granted the concession of bail in FIR No.0006, however, he is still in custody due to the present FIR.
3. Learned State counsel has filed custody certificate in Court today, which is taken on record
4. Mr. Pankaj Bali, Advocate has put in appearance on behalf of the complainant and filed his *vakalatnama* in Court today, which is taken on

record.

5. Learned State counsel assisted by Mr. Pankaj Bali, Advocate for the complainant vehemently opposes the bail and submits that they have reasons to believe that the huge amount collected from the complainants have already been embezzled by the wife of the petitioner who has already left the country and any concession granted to the petitioner will be extremely detrimental to the trial. Learned State counsel further submits that in fact, appropriate proceedings have been initiated against the wife of the petitioner also.

6. *Per contra*, learned counsel for the petitioner has submitted that the petitioner shall abide by all the conditions of bail and has volunteered to give a heavy surety also.

7. After hearing the learned counsel for the parties and without commenting on the merits of the case and considering the long custody of the petitioner, the present petition is allowed subject to the condition that the petitioner shall surrender his passport before being released on bail, and he shall be released against **heavy surety** to the satisfaction of the Illaqa Magistrate.

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. The petitioner shall, however, be released on the following conditions:

- ❖ The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ❖ The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- ❖ The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is

permitted to make an application before the Illaqa Magistrate, concerned.

❖ The petitioner will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

9. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

10. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

11. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

12. In addition to the above, learned counsel for the complainant has re-asserted his prayer for expediting the trial and after considering the same, the trial Court shall make an endeavour to expedite the trial in accordance with law and avoid any unwarranted adjournments.

13. Pending miscellaneous applications also stand disposed of.

January 11, 2024
Mohit Bishnoi

(ALOK JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No