



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

CRM-M-1705-2025 (O&M)

Date of Decision:22.04.2025

Tajinder Singh Virk @ Baldev Singh ..Petitioner

vs.

State of Punjab ...Respondent

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

Present : Ms. Pallavi Bahra, Advocate for
Mr. A.P Kaushal, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No. 54, dated 25.06.2016, registered under Section 419,420,465,467,468,471,120-B of IPC, and Section 24 of Emigration Act, Police Station Division No.8, Ludhiana, District Ludhiana (Annexure P-1).

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case, which was initially registered on the basis of the statement made by Subhash Chander son of Hori Lal. Even, the alleged incident pertains to the year 2014, but the FIR was got registered by the complainant after a delay of almost 02 years by coining a false story against the present petitioner. The petitioner neither received any money from the complainant nor had assisted the complainant in that regard in any manner. In fact, there was business rivalry between the complainant and the petitioner and

a false case was got registered against the present petitioner. Learned counsel further contends that during the course of trial, due to some mis-understanding the petitioner could not appear before the Trial Court and was declared as a proclaimed offender on 08.12.2016, however, the petitioner was arrested on 20.04.2024 and is in custody since then. She further contends that all the offences in the present case are triable by the Court of Magistrate and the prosecution has not been able to examine even a single witness so far.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had evaded the process of law for a long period of eight years and after a long period, he was arrested on 20.04.2024. He further contends that there are reasonable chances that the petitioner may again abscond from the process of law and the trial may be further delayed, in case, the concession of bail is granted to the present petitioner by this Court.

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

5. No doubt, the petitioner had stayed away from the process of law for a period of almost eight years, but this Court is of the conscious of the fact that the petitioner is in custody for the last more than one year in a case, which is triable by the Court of Magistrate and even charge has not been framed against him so far. Consequently, this Court can very well imagine that there is no likelihood of early conclusion of the trial in the present case and the custody of the present petitioner will not serve any meaningful purpose. Moreover, the apprehensions expressed by learned State counsel can be addressed by imposing stringent conditions on the petitioner while granting him concession

of bail in the present case.

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

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him

shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

8. Pending application(s), if any, stand(s), disposed of, accordingly.

22.04.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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