



220

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

CRM-M-39032-2024 (O&M)

Date of decision : 27.03.2025

Updesh Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. H.S. Dhindsa, Advocate,
Mr. Praagbir S. Dhindsa, Advocate and
Mr. Damanjit Singh Sandhu, Advocate
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS'), for grant of bail pending trial to the petitioner in FIR No.03 dated 08.01.2023, under Sections 420 and 120-B of the Indian Penal Code, 1860 (for short, 'the IPC'), registered at Police Station P.A.U., District Ludhiana.

2. Allegations are that petitioner in connivance with co-accused, has duped the *de facto* complainant to the tune of Rs.84,44,000/- on the pretext of commodity trading.

3. Contends that petitioner is in custody since 01.05.2024; after investigation final report under Section 173 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') was presented on 29.06.2024 and



charges were framed on 05.10.2024, but out of total 10 prosecution witnesses, only one has been examined till date.

4. Learned State counsel, on instructions, duly acknowledged the above factual position, but he opposed the prayer on the ground that allegations are very serious in nature.

5. Heard both sides and perused the paper-book.

6. It transpires that petitioner is in custody since 01.05.2024; final report under Section 173 Cr.P.C. was presented on 29.06.2024 and charges have already been framed on 05.10.2024. Out of total 10 prosecution witnesses, only one has been examined so far; therefore, conclusion of trial is likely to take long time. Moreover, it is not the objection of State that in case, petitioner is released on bail, he shall influence the witnesses and/or hamper the course of trial, in any manner; thus, his further incarceration would not serve any purpose.

7. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

9. The above observations may not be construed as an expression of opinion on the merits of the case.

10. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State of Punjab



would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

27.03.2025

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**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No