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

**CRM-M No.37265 of 2014
Date of Decision: 27.03.2015**

RANJAN KUMAR

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Nonish Kumar, Advocate
for the petitioner.

Mr. Rajesh K. Sheoran, Addl. A.G., Haryana.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.779 dated 14.09.2012 registered under Sections 406/420 IPC at P.S. Civil Lines, Karnal.

On 24.03.2015, after hearing the arguments for sometime this Court passed the following order:-

“Learned counsel for the petitioner by referring to the cross-examination of PW1-complainant states that phone number and name of the petitioner were not mentioned in the advertisement rather these advertisements were given by Mriganka Patowary. The place of meeting at Raghav Hotel, Gaziabad belongs to co-accused Satish Chand Garg. Complainant has further

admitted that he did not pay anything to the petitioner, rather total payment was made to Mriganka Patowary in the form of cheque worth ₹ 30 lacs. Learned counsel for the petitioner further states that complainant is practising Advocate in District Court, Karnal since 2009 and there was no such occasion for him to seek any such admission and make payment in the context thereof. The complainant further stated in the aforesaid statement that co-accused Satish Chand Garg and Mriganka Patowary were acting in connivance with each other and police has wrongly made Satish Chand Garg as witness instead of showing him as accused. The alleged factum of making talks with the petitioner was also denied in the said statement.

Learned counsel for the State however, on instructions from SI Ram Kishan, states that now, out of total 11 witnesses, 7 witnesses have already been examined and now 25th March, 2015 is the date fixed for further evidence.

On this assertion learned counsel for the petitioner states that 25.03.2015 is fixed for consideration of an application under Section 311 Cr.P.C and in case such an application is processed, the trial may take more time to conclude. The factum of moving such application is not known.

Let Investigating Officer ascertain about the pendency of the said application under Section 311 Cr.P.C. Adjourned to 27.03.2015.”

Today Mr. Sheoran, learned Addl. A.G., Haryana on instructions from ASI Ram Kishan states that the application under Section 311 Cr.P.C. filed by the prosecution is under consideration before the trial Court.

In view of the above, without commenting upon merits of the case and keeping in view the nature of evidence collected against the petitioner and deposition made by complainant -PW-1 in trial Court, petitioner is entitled to grant of regular bail.

Accordingly, this petition is allowed.

Let the petitioner be enlarged on bail, subject to furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate, Karnal.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 27, 2015.

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(RAJ MOHAN SINGH)
JUDGE