

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

CRM-M-25021-2017 (O&M)

Date of decision: - 24.8.2017

Sunil Kumar @ Sunny @ Chapra

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN.

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

Mr. Arun Kumar, AAG, Haryana.

ARVIND SINGH SANGWAN, J (ORAL)

This is a petition under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 76 dated 27.3.2017 under Sections 406, 420, 467, 468, 471, 323, 342, 120-B IPC registered at Police Station Baldev Nagar, District Ambala.

Learned counsel for the petitioner submits that initially FIR was registered with the allegation that Tejinder Pal Singh and Surjit Singh have given an amount of ₹16/16 lacs to their agents for sending them to Canda and they were sent to Bangkok. Later on, during the investigation, police arrested one Pawan Rai Gandhi and Abdul Rahman and on their disclosure statements, petitioner was also arrested. He further submits that petitioner is in judicial lock up since 29.4.2017 and an amount of ₹ 3,80,000/-, which is shown to be recovered from him is in fact drawn from the bank account of the wife of petitioner.

Learned counsel for the petitioner further submits that challan has already been presented before the trial Court and offences are triable by the Court of Magistrate. He further submits that though a representation was made on behalf of the State, on the last date of hearing i.e. on 20.7.2017 that next date fixed before the trial Court for framing of the charges is 21.7.2017, the case is still now fixed for framing of charge on

21.7.2017, copies of the challan were also supplied to the accused-persons and thereafter, the case was adjourned for 4.8.2017 and then on 18.8.2017. It is further submitted on behalf of the petitioner that on 18.8.2017, it was submitted that the case is now fixed for 1.9.2017 for production of the accused-persons in the Court but the case is still not fixed for arguments on the issue of charge. He has placed on record the interim orders passed by the trial Court.

On the other hand, learned State counsel, on instructions from SI Vikrant, has opposed the bail application. He further submits that petitioner is also involved in another FIR at Noida though he has been granted bail in the said FIR. It is also submitted that out of 7 accused, only 3 accused have been arrested and 4 accused are yet to be arrested.

In reply to the same, learned counsel for the petitioner submits that petitioner is in judicial lock up since 29.4.2017; the investigation qua the petitioner is already completed; challan has been submitted and conclusion of the trial will take long time.

In view of above and without commenting upon merits of the case, present petition is allowed. Petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Illaqa Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

24.8.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No