

213 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Hemlata  
2017.10.31 09:29  
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CRM-M-38873-2017 (O&M)

Date of decision: 30.10.2017.

Abdul Rahim

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr. Namit Khurana, Advocate, for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

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**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 27.03.2017, 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 petitioner is in judicial custody since 26.04.2017 and challan has already been presented before the trial Court. It is further submitted that co-accused of the petitioner, namely, Sunil Kumar @ Sunny Chapra as well as Pawan Rai Gandhi @ Kabir @ Aman have already been granted concession of regular bail. Learned counsel for the petitioner has relied upon the order dated 24.08.2017 passed in CRM-M-25021 of 2017, in which the following order has been passed:-

*“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/Illaq Magistrate. ”*

Learned State counsel, on instructions from ASI Bhupinder Singh, has not disputed the factual assertions but opposed the bail.

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

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

(ARVIND SINGH SANGWAN)  
JUDGE

30.10.2017  
Hemlata

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|---------------------------|----------|
| Whether speaking/reasoned | Yes / No |
| Whether reportable        | Yes / No |