

209

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

CRM-M No.10248 of 2018 (O&M)

Date of Decision: 17.04.2018

RAHUL RANA

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Surender Dhull, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

CRM No.12744 of 2018

For the reason mentioned in the application, the same is allowed. Accompanying documents are taken on record, subject to all just exceptions.

Main case

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.4 dated 08.04.2016, registered under Sections 406, 420, 419, 120-B IPC at Police Station NRI Amritsar.

Petitioner is an accused of misappropriation of amount

in the name of getting insurance.

Learned counsel for the petitioner submitted that petitioner was not named in the FIR. The alleged complicity of the petitioner has come on record due to two conflicting disclosure statements made by Shiva Kashyap. During investigation Shiva Kashyap named the petitioner as one of the accomplice in his first disclosure statement. However during investigation he further made disclosure statement thereby diluting his earlier stand and qualified that no cash amount was ever received by the petitioner, rather the money transferred in his account was the amount towards commission of the insurance.

Learned counsel further submitted that if the insurance covers were fake, then how the amount was deposited towards commission in the account of petitioner. In view of disclosure statements of main accused Shiva Kashyap, the complicity of petitioner in the context of his association with others i.e. Dushant Rana, Mohit Saluja and Rohit Rana would be answered by the trial Court with reference to the material on record.

Learned State counsel on instructions from Inspector Parneet Singh submitted that challan has already been presented. Now 25.04.2018 is the date fixed before the trial

Court for framing of charges. Petitioner is in judicial custody and the offence is triable by the Magistrate.

Taking into consideration the ratio of **Sanjay Chandra Vinod Goenka vs. Central Bureau of Investigation, 2011(4) R.C.R. (Criminal) 898; Baba vs. State of Maharashtra, 2005 (11) SCC 569** and **Siddharam Satlingappa Mhetre vs. State of Maharashtra, 2011(1) R.C.R. (Criminal) 126** the prayer for grant of regular bail can be entertained.

After filing of challan, complicity of the petitioner in terms of his antecedent behaviour would be answered by the trial Court during trial. Petitioner is in custody since 29.09.2017.

At this stage, without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court.

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

April 17, 2018

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No