

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
205**

CRM-M NO.2322 OF 2018

DATE OF DECISION: APRIL 25, 2018

Preet Ravriya Nanji

.....Petitioner

VERSUS

State of U.T., Chandigarh

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sandeep Verma, Advocate,
for the petitioner.

Ms. Ashima Mor, APP for U.T.,
Chandigarh.

Mr. B. R. Chauhan, complainant in person.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The petitioner has approached this Court for grant of regular bail in FIR No.372, dated 06.09.2017 registered under Sections 420, 467, 468, 471 IPC, Section 14 of the Foreigner Act and 66 (d) of the Information Technology Act, 2000 at Police Station Sector 39, Chandigarh.

It is the contention of learned counsel for the petitioner that the petitioner is stated to be a carrier of herbal seeds, which have been found to be not genuine and, therefore, has been involved in the present case. Counsel contends that the petitioner, after his arrest on 07.09.2017, is in custody till date. He further states that challan has already been presented against the petitioner on 17.10.2017. Co-accused of the petitioner has now

been arrested, against whom, the challan is not yet ready and even charges have not been framed. His submission is that it is a magisterial trial and the same is not likely to conclude in near future. No recovery is to be effected from the petitioner as now he is in judicial custody after the police remand. Almost eight months have passed since his arrest but the trial is not at all proceeding and will take sufficient long time.

Counsel for Union Territory has opposed the prayer of bail by asserting that the petitioner has not disclosed the whereabouts of main accused Nita Kumar. She is the Proprietor of the firm with which the agreement has been entered into for the delivery of herbal seeds but except the samples, the seeds have not been delivered to the complainant. She, therefore, contends that the petitioner be not granted the concession of bail.

The complainant, who appears in person, has also opposed the prayer for grant of regular bail by asserting that he has been defrauded and the petitioner is very much part of the gang, which has committed the offences in connivance with other co-accused, including Mrs.Nita Kumar, the main accused. He, therefore, prays that the concession of regular bail be not granted to the petitioner.

I have considered the submissions made by counsel for the parties as also the complainant, who appears in person.

It may not in dispute that the petitioner had been acting as a carrier for supply of herbal seeds. It is during this process that the petitioner was arrested and the seeds were recovered from him. He, therefore, is alleged to be a person who was the part of the gang and selling fake seeds, projecting them to be genuine herbal seeds. The factum that the petitioner is in custody since 07.09.2017 is also not in dispute with the trial not having

yet proceeded as the charges have not been framed. It is a magisterial trial, which is not likely to conclude in near future and further incarceration of the petitioner, after he having been in custody for almost eight months without even framing of the charge, would not be required.

In view of the above facts and circumstances, the present petition is allowed. The petitioner is directed to be released on bail to the satisfaction of trial Court, Chandigarh. Since the petitioner belongs to State of Maharastra, it will be open to the trial Court to impose any stringent conditions, which may be necessary to ensure the presence of the petitioner on the dates to be fixed by the said Court.

April 25, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No