

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

CRM-M-6696-2019
Date of decision: 03.04.2019

Arif Siddique Patel

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. C. M. Munjal, Advocate
for the petitioner.

Ms. Ashima Mor, Addl. P. P., U.T., Chandigarh.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 230 dated 17.05.2018, registered under Sections 420 and 120-B of the IPC at Police Station Mani Majra, Chandigarh. The first petition bearing CRM-M-31740-2018 was dismissed as withdrawn on 14.01.2019.

Learned counsel for the petitioner submits that as per the allegations in the FIR, complainant Sushil Kapoor has stated that he has paid Rs. 48 Lakh to the accused persons in connection with doing some business of herbal seeds to multiply the amount 205 times.

Learned counsel for the petitioner further submits that as per the allegations in the FIR, the complainant has paid the aforesaid amount to three other co-accused and in fact the amount was deposited in the account of Komal Enterprises, which was owned by co-accused Sumit Gautam.

Learned counsel for the petitioner further submits that

petitioner was arrested on 09.06.2018 and thereafter, the challan was presented on 29.08.2018 and charges were framed on 20.12.2018 and the first date for recording the prosecution evidence was 30.01.2019. Learned counsel has, thus, argued that the petitioner was not named in the FIR and the only allegation against him is that aforesaid Komal Enterprises has transferred the amount in his name.

Learned counsel for the petitioner has further argued that offences are triable by the Court of a Magistrate and the petitioner is entitled to bail under the provisions of Section 437(6) Cr.P.C. as from the date of starting of the evidence, a period of sixty days has lapsed and prosecution evidence is not yet concluded.

Learned counsel, appearing for the U.T., Chandigarh, on instructions from ASI Kiranta, has not disputed the factual position as submitted by learned counsel for the petitioner.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the submissions made by learned counsel for the parties and also in view of the provisions of Section 437(6) Cr.P.C., the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

03.04.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No