

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

**CRM-M No.15519 of 2019
Decided on: 05.07.2019**

Dhanraj Panchal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. B.S. Tewatia, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Shiv Kumar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.845 dated 14.11.2017, for offence punishable under Sections 406, 420 of the Indian Penal Code (in short 'IPC') (Sections 467, 468, 471 IPC added later), registered at Police Station Sadar Palwal, District Palwal.

Counsel for the petitioner has submitted that on an earlier occasion, a complaint was filed under Section 420 IPC by the complainant, which was dismissed by the Judicial Magistrate Ist Class, Faridabad on 29.07.2016, observing that the complainant has failed to make out a prima facie case for summoning the respondent/petitioner to

face the trial. It is further submitted that, thereafter, after a long lapse of 05 years, the present FIR has been registered.

Counsel for the petitioner has further argued that the petitioner, at the first instance was granted interim anticipatory bail vide order dated 17.10.2018, however, the same was withdrawn as the petitioner did not join the investigation and thereafter, the petitioner was arrested. It is further submitted that with regard to the disputed amount, a complaint under Section 138 of the Negotiable Instruments Act, 1881 is already pending against the petitioner and he is in custody from the last 03 months and 23 days.

Counsel for the petitioner has also submitted that challan stands presented and the offences are triable by the Court of Magistrate and conclusion of the trial is likely to take long time.

Counsel for the State, on instructions from ASI Updesh Kumar, has not disputed the factual position but opposed the prayer for bail. The custody period of the petitioner has also not been disputed by counsel for the State as per the Custody Certificate filed in the Court today.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody from the last 03 months and 23 days; challan stands presented and the offences are triable by the Court of Magistrate and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for

cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

05.07.2019
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No