

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

CRM-M No.18695 of 2019
DATE OF DECISION : 4th SEPTEMBER, 2019

Rampal Goswami & another

.... Petitioners

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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Present : Mr. Ashok Giri, Advocate and
 Mr. Kamal Chaudhary, Advocate for the petitioners.

Mr. M. D. Sharma, Assistant Advocate General, Haryana.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioners under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.178 dated 21.08.2018 registered under Sections 406, 420, 506 & 120-B IPC at Police Station Tigaon, District Faridabad.

It is submitted by counsel for the petitioners that the petitioners have not committed any offence as alleged. Although, the petitioners have failed to discharge their business obligation, however, the petitioners had offered alternate plots to the complainants. This shows that the petitioners had no intention to cheat the complainants, as such. Still further, it is submitted that, by any means, the charge framed against the petitioners is only under Sections 420 and 120-B IPC, which are triable by Magistrate. Therefore, relying upon the provisions contained in Section 437 sub-Clause (6) Cr.P.C., it is contended by counsel for the petitioners that since 60 days have already lapsed from

the first date fixed for leading evidence before the Magistrate, therefore, the petitioners deserve to be released on bail.

On the other hand, counsel for the State, being instructed by SI Satpal Singh, submits that the petitioners are involved in heinous crime of cheating poor people. A huge amount has been squandered by the petitioners by alluring the complainants; in the name of providing them plots. However, it is not disputed that the charges framed against the petitioners are triable by the Magistrate. It is also not disputed that the first date fixed for evidence after framing of the charge was 03.07.2019 and that period of 60 days has already expired since that date.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioners are ordered to be released on bail pending trial subject to their furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

4TH SEPTEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>