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

CRM-M-30528 of 2019

Date of decision: July 25, 2019

Ajay Swami

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ashok K. Sharma (Bhana), Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

MAHABIR SINGH SINDHU, J (Oral)

At the outset, learned counsel for the petitioner has pointed out that inadvertently, Section 120-B IPC has not been added in the head-note as well as prayer clause of the petition, whereas, in order dated 02.07.2019 passed by learned trial Court, the same is mentioned therein. Therefore, he requested for addition of Section 120-B IPC in the head-note as well as prayer clause of the present petition.

Request seems to be genuine and is allowed, accordingly.

Registry to do the needful.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.340 dated 03.10.2018, under Sections 420, 406, 120-B of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sadar Jind, District Jind.

As per prosecution case, petitioner has been implicated in this case on the basis of disclosure statement of co-accused-Lalit Rahul.

Contends that petitioner is in custody since 01.04.2019 and there is no other criminal case pending against him. Also contends that investigation is already over and moreover, co-accused, namely Lalit Rahul has already been granted concession of bail by this Court on 14.05.2019. Further contends that even the entire amount in question, i.e. ₹37,650/- has been refunded to the complainant-Pooja.

The above factual position is duly acknowledged by learned State counsel, on instructions from Head Constable Mahender Singh.

Heard both sides and perused the paper-book.

Since the petitioner is in custody since 01.04.2019; investigation has already been over and even the amount in question has also been refunded to the complainant, therefore, his further incarceration would not serve any useful purpose.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

July 25, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No