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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-50815-2019

Date of Decision: 04.12.2019

Rajesh Kumar  
Vs.

.. Petitioner

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

**Manoj Bajaj, J.**

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.888 dated 20.10.2016, under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code, 1860, registered at Police Station Karnal Civil Lines, District Karnal. He is in custody since his arrest on 17.07.2019.

The FIR in the present case was registered on the statement of Bank Manager, State Bank of Bikaner and Jaipur, Karnal, wherein it was stated that accused Rajesh had borrowed loan amounting to ₹7,80,000/- on 26.10.2013 from his Branch for buying Tata Safari vehicle and the said vehicle was hypothecated in the name of the Bank. Thereafter, on 01.05.2014, the loan account was declared NPA on account of non-payment of instalments and appropriate proceedings were initiated against him. During the said process, it was found that the accused fraudulently got released hypothecation from the registration certificate of the vehicle.

Learned counsel for the petitioner contends that the petitioner

was already on bail and he could not appear on 22.02.2018, whereupon his

bail was cancelled and his bonds were forfeited. He submits that the petitioner is in custody since 17.07.2019 after his arrest pursuant to the issuance of arrest warrants. It is pointed out that the petitioner was extended the concession of anticipatory bail by this Court in CRM-M-11161-2017 vide order dated 25.09.2017 and thereafter, he continued to appear regularly before the trial Court. He submits that the trial is likely to consume considerable time, therefore, further custody of the petitioner may not be justified.

On the other hand, learned State counsel assisted by SI Dayanand has opposed the prayer on the ground that the petitioner absented himself from the trial for a long time, who was aware of the proceedings and, therefore, he does not deserve the concession of bail. He submits that the petitioner is involved in other cases as well. However, it is not disputed that the petitioner was extended concession of anticipatory bail by this Court vide order dated 25.09.2017 and continued to appear before the trial Court till he absented on 22.02.2018.

Considering the above background and the custodial period of the petitioner, this Court finds that his further detention may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

04.12.2019  
*Jasmine Kaur*

**(MANOJ BAJAJ)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes  
No