

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-302 of 2020

DATE OF DECISION: JANUARY 13, 2020

RAJESH SHARMA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. R.S. RAI, SR.ADVOCATE
WITH MR. MAYANAK AGGARWAL, ADVOCATE
FOR THE PETITIONER.

MS. TANUSHREE GUPTA, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner Rajesh Sharma has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No.401 dated 17.10.2016, under Sections 406, 420, 120-B IPC, Police Station Panchkula Sector 5, Panchkula.

The FIR was registered on the statement of Hari Kishan wherein it was alleged that the petitioner has duped him by taking lakhs of rupees on the pretext of providing job to his daughter and son-in-law in a Bank. It has been alleged by the complainant that the petitioner took ₹13 lakhs from him for the said purpose, but failed to keep his promise.

Learned senior counsel for the petitioner contends that the petitioner was arrested on 16.9.2019 and investigation in the present case is complete, as the challan stands filed on 5.10.2019. He submits that as the trial is likely to consume some time, therefore, further custody of the

petitioner is not justified.

On the other hand, learned counsel for the State has opposed the prayer on the ground that the petitioner is involved in other cases. He was also declared Proclaimed Offender on 5.7.2018. He, however, does not dispute the fact that after completion of investigation, challan qua him has already been filed.

After hearing the learned counsel for the parties, this Court is of the opinion that the offences are triable by Magistrate and the trial of the case is likely to consume considerable time, therefore, further custody of the petitioner may not be justified, who is confined in judicial custody. 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.

January 13, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No