

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7539-2020 (O&M)
Date of decision: 04.03.2020

Virender Rai

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kamal Chaudhary, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.1109 dated 06.10.2016 under Sections 406, 420 IPC, registered at Police Station Sadar Gurugram, District Gurugram.

Learned counsel for the petitioner submits that the petitioner was arrested on 17.01.2017, charges were framed on 09.05.2018 and despite the fact that offences are triable by the Court of Magistrate, till date, no prosecution witness is examined.

Learned State counsel, on instructions from ASI Rishi Pal, has not disputed the factual position, however, opposed the prayer on the ground that there are serious allegations against the petitioner, as after purchasing costly items from the complainant, the petitioner and others have not made the payment and 12 persons of business circles at Delhi and Haryana are involved

and total amount of cheating is more than Rs.5.00 crores.

Learned State counsel has further submitted that the petitioner is facing criminal prosecution in other FIRs of similar nature, registered at different police stations including number of complaints under Section 138 of Negotiable Instruments Act.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 17.01.2017 and a period of about three years has lapsed and despite the fact that charges were framed on 09.05.2018, again a period of one and half year has lapsed and also in view of the fact that till date, no prosecution evidence is recorded, as the offences are triable by the Court of Magistrate, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

04.03.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No