

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

CRM-M-11146-2020 (O&M)

Date of Decision : December 22, 2020

Sandeep Khayalia

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rajesh Khandelwal, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.
(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the 2nd petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.814 dated 04.11.2017 under Sections 419, 420, 467, 468, 471, 506 and 120-B IPC at Police Station Civil Lines, Hisar, District Hisar.

Counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of one Sandeep Bamal, the accused persons including the petitioner have taken a loan for TATA Zest vehicle in the name of the complainant by misusing the photocopy of Aadhar Card and PAN Card of the complainant whereas the complainant neither applied for any loan from TATA Motors Finance nor even

signed any documents in this regard. It is further submitted

that the petitioner is in custody since 19.09.2019 i.e. a period of more than 01 year and 03 months.

Counsel for the petitioner has further argued that even the incomplete challan was presented on 30.12.2019 as the FSL report was not submitted. It is also submitted that even today the said report is still awaited and the charges were framed on 03.01.2020. Counsel for the petitioner has further submitted that the petitioner was on default bail and the matter is triable by the Court of Magistrate and it will take long time in conclusion of the trial as out of 19 PWs, only 01 PW has been examined.

Learned State counsel has filed the affidavit of the Assistant Superintendent of Police, Hisar, in which it is stated that challan has been presented and the FSL report is still awaited. Counsel for the State has further submitted that charges stands framed against the accused persons. It is also submitted that the petitioner is involved in number of other cases. He also argued that some of the accused persons who were arrested in the year 2003-04, stands acquitted whereas the petitioner is facing the trial in 04 cases under Sections 323 and 307 IPC.

Without commenting anything on the merits of the case, considering the aforesaid submission made by counsel for the petitioner and also in view of the fact that the petitioner is in custody since 19.09.2019; out of 19 PWs, only 01 PW has been examined; the custodial interrogation of the petitioner is no more required and the conclusion of the trial will take long time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on regular bail, subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

(ARVIND SINGH SANGWAN)
JUDGE

December 22, 2020
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Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO