IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.-M No.11127 of 2020
Date of Decision: May 20, 2020

Umesh Kumar

...Petitioner

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.D.Bawa, Advocate,
for the petitioner.

Mr. Pardeep Parkash Chahar, DAG, Haryana.

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MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.106 dated 08.03.2019, under Sections 406, 420, 467, 468, 471 and 120-B, registered at Police Station, Baldev Nagar, District Ambala, pending trial. Petitioner is in custody since his arrest on 14.09.2019.

The above FIR was registered on the basis of the complaint given by Neelam Saini, wherein it was alleged that accused Vishal Saini introduced her husband, namely, Sanjay Saini to enter the truck business and introduced him to another accused Rajesh Bhatia. Acting upon the same, her husband signed the documents for obtaining the loan from the bank and completed all the formalities. Subsequently, her name was also added in the said loan account and a loan of ₹ 29,30,000/- was sanctioned by the bank and out of it, ₹ 24,12,000/- was transferred in the account of

M/s Yashoda Motors belonging to accused Umesh Kumar (petitioner). According to complainant, the accused persons, including the Bank Manager involved her and her husband in a fake loan transaction. On these broad allegations, FIR for the offences of cheating, forgery, criminal breach of trust etc. was registered. Later on, during the course of investigation, complainant Neelam Saini was also indicted as an accused and the Manager, Canara Bank was made complainant.

Learned counsel for the petitioner contends that the petitioner is an illiterate person and became victim at the hands of other accused persons, who asked him to do the formalities for opening the account. He submits that out of the amount of ₹ 24,12,000/-, a sum of ₹ 10,00,000/- each was transferred in the respective accounts of accused Vishal Saini and Rajesh Bhatia. He submits that the petitioner had acted in good faith at the asking of other accused. According to him, the trial of the case is likely to consume considerable time as the other accused persons are on interim bail extended by the Hon'ble Supreme Court. He submits that the petitioner be released on regular bail.

On the other hand, learned State counsel, on instructions, has vehemently opposed the prayer on the ground that petitioner was instrumental in the commission of the crime and the account where the sanctioned loan was disbursed belongs to him. However, it is not disputed by the Mr. Chahar that a sum of ₹ 20,00,000/- was transferred in the account of co-accused Vishal Saini and Rajesh Bhatia, but according to him, the rest of the amount of ₹ 4,12,000/- was withdrawn by the petitioner. He submits that though the investigation of the case is complete and charges were framed on 03.02.2020, however, the prosecution is yet to examine the witnesses. It is also not disputed that the other co-accused have been granted interim anticipatory bail.

After hearing the learned counsel for the parties and considering the above background of the case, this Court is of the opinion that the offences are triable by Magistrate and the trial is likely to consume considerable time in view of the outbreak of global pandemic, namely, COVID-19 in the region and State Government and District Administration have imposed various restrictions to curb its spread, therefore, further custody of petitioner 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 in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, Ambala.

The petition is allowed.

May 20, 2020 **(MANOJ BAJAJ)**
ramesh **JUDGE**

Whether speaking/reasoned Yes/No
Whether Reportable: Yes/No