

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.14624 of 2020
Date of Decision: June 25, 2020

Yogender @ Leelu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ashok Kaushik, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner-Yogender @ Leelu filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.41 dated 28.01.2020, under Sections 379, 411 and 420 IPC, registered at Police Station, City Palwal, District Palwal, pending trial. The petitioner is in custody since his arrest on 12.02.2020.

The above FIR was registered against the petitioner on an application made by Pooja wife of Kushal Kumar, wherein it was alleged that on 15.01.2020, she went to ATM of HDFC Bank, situated at Minar Gate Palwal for withdrawal of the amount from her account, in which compensation amount granted to her due to death of her husband, was deposited. Several boys were standing there, who by cheating, exchanged her ATM card and from 15.01.2020 to 28.01.2020, withdrew an amount of

Rs.10,00,000/- from her said account. The complainant also submitted one ATM card issued in the name of Vijay Kumar Sharma along with her application, upon which case was registered. During investigation, on 29.01.2020, accused Laxman and Sanjay Kumar were arrested. From accused Laxman, one golden chain sold by Manohar Jewellers, Sector-18 Noida, its invoice and Rs.10,000/- withdrawn through the card of complainant, one ID, photocopy of Pan Card issued in the name of Mohd.Hassan and the card exchanged with the complainant were taken into possession, whereas from accused Sanjay, Rs.9500/- were recovered. During investigation, petitioner suffered a disclosure statement and on the basis of the same, he also got recovered one golden chain, mangal sutra and four tyres of Goodyear company and the articles were got identified from the seller thereof. Bills and invoice thereof were also taken into possession by the police and Section 411 IPC was introduced.

Learned counsel for the petitioner contends that the offences are triable by Magistrate and the investigation of the case is complete. According to him, the other two co-accused, who are similarly situated, have been released on regular bail vide order dated 03.02.2020.

On the other hand, learned State counsel, who is assisted by HC Sanjay, has not disputed the fact that the investigation qua the petitioner is complete and he is similarly situated as the other two co-accused. It is further pointed out by him that by virtue of a common order passed by this Court keeping in view the spread of COVID-19 in respect of various prisoners in the States of Punjab, Haryana and U.T.Chandigarh for releasing them on bail, the petitioner is also on interim regular bail.

Considering the above, custody of the petitioner and the fact

that the trial is likely to consume considerable time in view of the spread of global pandemic, namely, COVID-19 as the State Administration has imposed restrictions to curb its spread, so no useful purpose would be served by keeping the petitioner behind the bars. 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, Palwal.

The petition is allowed.

June 25, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No