

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.11993 of 2020
Date of decision : 06.5.2020

Dinesh @ Bhondhu & another

.....Petitioners

Vs.

State of Haryana

.....Respondent

CORAM: Hon'ble Mr. Justice G.S. Sandhwalia

Present:- Mr. A.P.Kaushal, Advocate for the petitioners

Mr. Kuldeep Tewari, Addl. A.G., Haryana.

G.S. Sandhwalia, J. (Oral)

1. The matter has been taken up by way of Video Conferencing through What's app facility in view of Covid-19 situation as per instructions issued.

2. The petitioners seek regular bail in FIR No.338 dated 10.11.2018 under Sections 420/406/467/468/471/506/34/120-B IPC registered at Police Station City, Narwana.

3. It is submitted that the petitioners are accused of cheating the complainant on the ground of providing a job in FCI and asking him to part with Rs.2,25,000/-. A fake joining letter was also stated to have been given.

4. Counsel for the petitioners has submitted that the petitioners are in custody since 18.4.2019 and 17.5.2019 respectively and as per order of the Additional Sessions Judge, Jind dated 20.4.2020 only Rs.75000/- each fell to their share, whereas 3rd accused namely Mahabir who has been declared proclaimed offender on 22.12.2019 had taken the balance amount.

5. A perusal of order dated 20.4.2020 of the Addl. Sessions Judge, Jind would go on to show that the charges were framed on 26.7.2019 and the case was fixed for the evidence on several occasions starting from 9.8.2019 and 14 dates as such were given but no evidence was produced. The petitioners thus sought bail in terms of Section 437(6) Cr.P.C. and it has been noticed by the Additional Sessions Judge, Jind that the said bail application was wrongly rejected by the trial Court. It has also been observed that the trial Court is burdened with large number of cases and on that account it was not possible to conclude the trial within 60 days.

6. Counsel for the State on the other hand submits that he is handicapped to the extent that he does not have the said order. However, on instruction it is submitted that 8 witnesses out of 12 have been examined.

7. Keeping in view the fact that the one of the petitioners is in custody for more than a year and another accused is in custody for almost for a year and the quantum of money which was paid to all the accused, this Court is of the opinion that the petitioners are entitled for regular bail as the trial is not likely to complete in near future keeping in view of the pandemic Covid-19 situation.

8. Accordingly both the petitioners be released on regular bail to the satisfaction of the Illaqua/Duty Magistrate, Narwana.

9. Accordingly the present petition stands disposed of.

06.05.2020
Pka

(G.S. Sandhawalia)
Judge