

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15179-2020 (O&M)
Date of decision: 30.06.2020

Paras Ram

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.76 dated 27.03.2017 under Sections 406, 420, 120-B IPC, registered at Police Station Baldev Nagar, District Ambala.

Learned counsel for the petitioner submits that the petitioner is in custody since 13.02.2018 and he has already been granted the concession of regular bail in a case pending at Bangalore; challan stands presented against co-accused Pawan Rai Gandhi, Abdul Rahim and Sunil Kumar @ Sunny @ Chapra and they have been granted the concession of regular bail. learned counsel relies upon the order dated 24.08.2017, which reads as under: -

“Learned counsel for the petitioner submits that initially FIR was registered with the allegation that Tejinder Pal Singh and Surjit Singh have given an amount of Rs.16/16 lacs to their agents for

sending them to Canada and they were sent to Bangkok. Later on, during the investigation, police arrested one Pawan Rai Gandhi and Abdul Rahman and on their disclosure statements, petitioner was also arrested. He further submits that petitioner is in judicial lock up since 29.4.2017 and an amount of Rs.3,80,000/-, which is shown to be recovered from him is in fact drawn from the bank account of the wife of petitioner.

Learned counsel for the petitioner further submits that challan has already been presented before the trial Court and offences are triable by the Court of Magistrate. He further submits that though a representation was made on behalf of the State, on the last date of hearing i.e. on 20.7.2017 that next date fixed before the trial Court for framing of the charges is 21.7.2017, the case is still now fixed for framing of charge on 21.7.2017, copies of the challan were also supplied to the accused-persons and thereafter, the case was adjourned for 4.8.2017 and then on 18.8.2017. It is further submitted on behalf of the petitioner that on 18.8.2017, it was submitted that the case is now fixed for 1.9.2017 for production of the accused-persons in the Court but the case is still not fixed for arguments on the issue of charge. He has placed on record the interim orders passed by the trial Court.

On the other hand, learned State counsel, on instructions from SI Vikrant, has opposed the bail application. He further submits that petitioner is also involved in another FIR at Noida though he has been granted bail in the said FIR. It is also

submitted that out of 7 accused, only 3 accused have been arrested and 4 accused are yet to be arrested.

In reply to the same, learned counsel for the petitioner submits that petitioner is in judicial lock up since 29.4.2017; the investigation qua the petitioner is already completed; challan has been submitted and conclusion of the trial will take long time.

In view of above and without commenting upon merits of the case, present petition is allowed. Petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Illaq Magistrate.

Learned State counsel, on instructions from ASI Bhupinder, has opposed the prayer for bail on the ground that the petitioner is involved in some other cases and co-accused have jumped the bail and non-bailable warrants have been issued against them. It is further submitted that the petitioner has not been released on bail in the FIR pending against him at Bangalore.

A perusal of the FIR shows that the same is registered at the instance of Tejinderpal Singh and Surjit Singh that they were sent to Bangkok by air from Calcutta and they had paid Rs.16.00 lacs through their agents to the petitioner and other co-accused and thus, they have been cheated.

In reply, learned counsel for the petitioner has submitted that he has received a copy of the bail order and in fact, the petitioner was working as an employee of the co-accused.

After hearing learned counsel for the parties, without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 13.02.2018; challan has already been presented; offences are

triable by the Court of Magistrate and despite framing of charge, evidence is not led, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail bonds and two sureties to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

30.06.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No