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

CRM-M-15277 of 2020

Date of decision: July 01, 2020

Rajbir Singh and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Saurabh Dalal, Advocate for the petitioners.

Mr. Pardeep Chahar, DAG Haryana.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioners, in FIR No.857 dated 12.10.2019, under Sections 406, 420, 506 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station City Panipat, Panipat.

As per the allegations of the prosecution, on the asking of the petitioners, complainant as well as his family members invested money to the tune of ₹28 lacs with a Mumbai based company.

It is contended that both the petitioners are in custody since 14.11.2019, after investigation in the matter, challan was presented on 10.01.2020 and charges are also framed on 03.02.2020. Also contends that there are total 24 prosecution witnesses, but till date, none has been examined and moreover, the offences are triable by Magistrate. It

is also the contention of the petitioners that not even a single penny has been received by them; nor there is any such allegation that any amount was entrusted to the petitioners by the complainant.

Learned State counsel has very fairly stated that no material was collected, during investigation, to the effect that any amount was entrusted by the complainant to either of the petitioners or that they are beneficiary of the alleged deposit, in any manner. He has also acknowledged that police is not able to get any clue about the Mumbai based company with whom the complainant allegedly invested the money on asking of the petitioners.

Heard both sides and perused the paper-book.

The investigation is already over and there is no material to indicate that petitioners were entrusted any amount by the complainant or that they are beneficiary of the transaction in any manner. Charges, in this case, were framed on 03.02.2020, but out of total 24 prosecution witnesses, none has been examined till date. Although, trial is to be conducted by the Magistrate, but that is likely to take sufficient long time in view of the prevailing situation, therefore, further incarceration of the petitioners would not serve any purpose.

In view of the above, this petition is allowed. Petitioners are ordered to be released on bail, in this case, on their furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that both the petitioners shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

July 01, 2020
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No