

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Through Video Conferencing)**

CRM-M-40039-2020

Date of Decision: 04.12.2020

ABHISHEK YADAV

.....Petitioner

V/s.

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. G.C.Shahpuri, Advocate,
for the petitioner.

Mr. Rajiv Goel, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 121 dated 14.11.2019 registered under Sections 406, 420 of the Indian Penal Code, 1860 at Police Station, Jagadhari, District Yamuna Nagar during the pendency of the trial.

Learned counsel for the petitioner submits that a perusal of the contents of the FIR which was registered on 14.11.2019 clearly reveals that not only has the petitioner not been named in the FIR but there are allegations only against co-accused Poonam and her husband, Nirmal Singh who had been handed over an amount of Rs.5,00,000/- in cash, by the complainant in the presence of Yashpal Sharma and his son Amit Kumar, on the pretext of providing his son with a job.

Learned counsel for the petitioner further submits that it is after almost one year of the registration of the FIR in question that the petitioner is now being implicated in the case in question without there being any shred of

evidence against him and that too only on the basis of a confessional statement allegedly made by him before the investigating agency, which is inadmissible in law. Learned counsel further submits that the case of the prosecution is based on documentary evidence, which is already in the possession of the Police. It has also been submitted that the co-accused Poonam, to whom an amount of Rs.5,00,000/- had allegedly been given by the complainant, has since been extended the concession of regular bail by the learned trial Court.

Per contra, learned State counsel, while opposing the prayer of and submissions of the learned counsel for the petitioner, has not been able to controvert the factum of the petitioner neither having been named in question nor any attribution having been alleged against him in the FIR in question. He has submitted that the challan is likely to be presented in the near future.

Heard.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been custody since 01.11.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 4, 2020

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	
<i>Whether Reportable</i>	:	<i>Yes</i>	/ <i>No</i>