

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

214

CRM-M-48246-2019
Date of Decision : 26.02.2020

Anil Rana

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Priyavrat Parashar, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G. Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.17 dated 23.01.2019 registered under Sections 406, 420 and 506 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Barara, District Ambala.

As per the prosecution version, the petitioner along with his co-accused Kushal Pal Rana, Dr. Mamchand Rana, Ravi, Chanda Rana and Gurjant Singh cheated complainant-Feroz Khan and Matbool and fraudulently induced them to pay the amount of Rs.8,65,000/- as mentioned in the complaint on the fraudulent representation of sending them abroad and on demand for return money threatened to kill them.

Learned State Counsel has appeared and opposed the petition in terms of reply by way of affidavit of Sh. Raj Singh, HPS, Deputy Superintendent of Police, Barara, Ambala.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. The petitioner has not committed any offence and did not indulge in any act of fraud. Nothing was recovered from him. The petitioner is in custody since 19.07.2019. Trial is likely to take long time and no useful purpose will

be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has argued that the petitioner has cheated Feroz Khan and Matbool and fraudulently induced them to pay Rs.8,65,000/-. In view of gravity of accusation, the petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, period of his custody and the fact that adjudication of his guilt or innocence on the basis of evidence to be produced during the trial is likely to take long time and that his further detention in custody, not being punitive, will not serve any useful purpose but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any similar offence and in case of commission of similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

26.02.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No