

215

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

**CRM-M No.49730 of 2019
Date of Decision: 27.01.2020**

SRI NIWAS

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ashok Kumar Sharma, Advocate
for the petitioner.

Mr. Anmol Malik, A.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.218 dated 09.08.2018, registered under Sections 406, 420, 216, 467, 468, 471 & 120-B IPC at P.S. City Narwana, District Jind, Haryana.

The FIR was registered in respect of an incident which took place three years prior to lodging of the FIR. The allegations are of fraud and grabbing an amount of Rs.60 lakhs from the complainant party. It has been alleged that the petitioner visited Narwana along with his relative namely Jiya Lal, who allegedly projected himself to be Secretary of the then Central Minister. Petitioner and said Jiya Lal gave assurances to

the complainant party that they will help children of the complainant party in getting employment in Indian Food and Supply Department. Under that assurance, the complainant party alleged to have paid hefty amount to the petitioner. Petitioner was arrested and his police remand for five days was obtained. An amount of Rs.50,000/- has been recovered by the Police.

Challan has been presented. As per challan papers, it has been found that on the asking of the petitioner, the complainant party has deposited an amount of Rs.1 lakh in the account of Mahender Partap Singh. An amount of Rs.1,20,000/- was deposited in the account of the petitioner. An amount of Rs.1,20,000/- was deposited in the account of Sarita Hari Parshad Singh and an amount of Rs.1,83,500/- was deposited in the account of Narinder Kumar.

Learned counsel for the petitioner submitted that an amount of Rs.50,000/- has also been recovered from the co-accused Mahender Partap Singh, who has been granted regular bail by this Court on 16.10.2019 in CRM-M No.40301 of 2019. Petitioner is in custody since 05.06.2019.

Learned State counsel on instructions from ASI Yad Ram submitted that the challan has been presented. Out of 24 witnesses, no prosecution witness has been examined so far

and 10.02.2020 is the next date before the trial Court.

Since the FIR came to be registered only after three years, therefore, the allegations are required to be proved during trial. Petitioner is in judicial custody after completion of the investigation. No *bona fide* purpose would be served by retaining the petitioner in custody. The offence is triable by the Magistrate.

At this stage, without advertting to the merits of the case, I am of the view that petitioner, who is in custody since 05.06.2019 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 27, 2020

Atik

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No