

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

CRM-M-53247-2019 (O&M)

Date of Decision: 24.01.2020

Vijay Kumar @ Dhola

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Parminder Singh, Advocate for the petitioner.

Mr. Siddharth Sanwaria, DAG, Haryana.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

This is the second petition preferred by the petitioner under Section 439 Cr.P.C. seeking benefit of regular bail pending trial in case FIR No.39, dated 26.01.2016, under Sections 406/420/467/468/471/201/120-B IPC and Sections 7/13/49 of the Prevention of Corruption Act, 1988 registered at Police Station City Jind, District Jind.

Counsel for the parties have been heard.

Briefly, it may be noticed that the FIR came to be registered at the instance of HDFC Bank on the allegations that the petitioner in connivance with 36 others had played a fraud with the bank to the tune of Rs.21 crores approximately by availing of cash credit limit/loan on the strength of forged documents.

Petitioner had earlier applied for bail by filing CRM-M-13716-2017 and vide order dated 12.05.2017, petitioner was granted concession of regular bail.

The instant petition has been necessitated as petitioner did not join trial proceedings on 03.02.2019 and as such the bail had been cancelled.

Counsel submits that after having been granted bail, petitioner was involved in FIR No.34 of 2019 under Sections 489(B) and 489 (C) IPC registered at Police Station Khoda, District Gaziabad and was arrested on 19.01.2019. Counsel adverts to the order dated 25.09.2019 passed by the Allahabad High Court in CRM-M-38737-2019 whereby he has been granted bail in FIR No.34 of 2019. As such, it is urged that non-appearance of the counsel during the trial proceedings in the instant FIR i.e. FIR No.39 dated 26.01.2016 was not deliberate.

The aforesaid factual premise as regards the petitioner having been arrested pursuant to FIR registered in District Gaziabad is not controverted by learned State counsel. Rather, it has been informed by learned State counsel on instructions from ASI Satish Kumar, PS City Jind that the petitioner has since been acquitted in FIR No.34 of 2019.

Learned State counsel further informs the Court that the trial is still at the initial stage and would take time to conclude.

In view of the above and without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, concerned.

Disposed of.

24.01.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |