

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

222/2

**CRM-M-247-2021
Date of decision: 13.01.2021**

Dharamvir

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sahil Choudhary, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

Sh. Premjit Singh Hundal, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 33 dated 05.03.2019 registered under Sections 420, 406 and 120-B of the Indian Penal Code, 1860 at Police Station Sadhaura, District Yamunanagar.

The petitioner, who is in custody since 17.12.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

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

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in a false and frivolous case on the statement of respondent No.2. The petitioner took loan from the Axis Bank from respondent No.2-Bank in the year 2018 against mortgage of his gold. The gold was checked and verified by Mr. Sanjay Kumar, Proprietor of M/s Harsh Jewellers who was empanelled for the assessment/valuation of gold ornaments/jewellery of the customers by respondent No.2-Bank. The petitioner did not commit any fraud. The petitioner has already deposited 70% of the loan amount taken. The petitioner is also ready to pay the balance amount within 6 months by him. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel and learned counsel for the complainant have submitted that the petitioner along with co-accused defrauded respondent No.2-Bank by taking loan against mortgage of spurious gold. In view of the nature of accusation and gravity of offences committed by him, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the above referred facts and circumstances of the case, nature of accusation and evidence against the petitioner, the fact that the petitioner has already paid 70% of the loan amount taken by him and is ready to pay the balance amount and also the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the

merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.01.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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