

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

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(i)

CRM-M-927-2021

Date of Decision : 22.04.2021

Kavish Asija

.....Petitioner

Versus

State of Haryana

.....Respondent

(ii)

CRM-M-7210-2021

Date of Decision : 22.04.2021

Sunil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sanchit Punia, Advocate
for the petitioners.

Mr. Kirpal Singh Thakur, Asstt. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

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

The petitioner-Kavish Asija has filed CRM-M-927-2021; and petitioner-Sunil has filed CRM-M-7210-2021 under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of regular bail in case FIR No.675 dated 09.09.2020 registered under Sections 406, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station HTM Hisar, District Hisar.

The petitioners being in custody have filed present petitions for grant of regular bail.

The petitions have been opposed by the respondent-State in terms of separate replies filed by way of affidavit of Ms. Upasana, IPS,

Assistant Superintendent of Police, Hisar in both the cases.

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

Learned Counsel for petitioners has submitted that the petitioners have been falsely implicated in the present case on the basis of alleged secret information. The petitioners did not make any dishonest inducement or fraudulent misrepresentation to anyone and did not cheat any person. The FIR is totally vague. Bald and startling false allegations have been made in the FIR. The allegations made in the FIR are not supported by any material evidence. Even if the entire allegations in the FIR are taken at their face value and accepted in their entirety yet no offence or case is made out against the petitioners. The trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 and no useful purpose will be served by keeping the petitioners in custody. Therefore, the petitioners may be ordered to be released on regular bail.

On the other hand, learned State Counsel, on instructions from ASI Ved Parkash, has argued that the petitioners allegedly cheated the persons by giving fraudulent advertisements in the social media and news papers for getting the loan sanctioned on zero finance. The petitioners were arrested from the spot with three other co-accused and on search 9 mobile phones, 4 Aadhar Cards, 4 driving licenses, 2 laptops along with charger, 5 note books and advertisement chart were recovered from them. The petitioners along with their co-accused defrauded Nachhatar, Geeta Bishwas, Navdeep and others by alluring them for loan on zero finance and defrauded them of the amount of Rs.2,69,34,911/- approximately. In view of nature of accusation and gravity of offences, the petitioners do not deserve grant of regular bail. Therefore, the petitions may be dismissed.

In the present case, challan has already been filed against the petitioners and their co-accused but the prosecution evidence is yet to be recorded. The question of the guilt or innocence of the petitioners and their co-accused is to be determined on the basis of evidence to be produced during trial. Bail is the rule and jail is the exception.

Detention in custody of the petitioners will not serve any useful purpose. There is no material to justify the apprehension of the petitioners absconding or intimidating the prosecution witnesses. Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioners and the fact that the trial is likely to take long time due to restrictions imposed to prevent 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 petitioners.

In view of the above, the petitions are allowed and the petitioners-Kavish Asija and Sunil are 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.

22.04.2021

Kothiyal

**(ARUN KUMAR TYAGI)
JUDGE**

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