233

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3737-2021
Date of decision : 01.09.2021

Rakesh Rohilla

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Surinder Mohan Sharma, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

(Through Video Conferencing)

****

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of concession of regular bail to the petitioner in FIR No.333 dated 23.09.2016 registered under Sections 406, 420, 201 of the Indian Penal Code, 1860 at Police Station Kundli, District Sonipat.

As per the prosecution version in the FIR, it has been submitted by the complainant that at the asking of his neighbour namely Chetan Prakash, he had got done R.D. amounting to Rs.38,000 with R.D.P.L. Company and this amount was paid by giving Rs.100/- per day for one year continuously. On maturity, when the amount was demanded, a cheque amounting to Rs.38,000/- was issued, which bounced. On the basis of the

PAWAN KUMAR
2021.09.02 19:37
I attest to the accuracy and
authenticity of this document
Chandigarh

same, the present FIR was registered.

Learned counsel for the petitioner has submitted that the present dispute is monetary dispute and that the petitioner remained in custody from 12.09.2020 till 21.05.2021. On 21.05.2021, he was released on parole as per the orders of the High Power Committee.

Learned counsel for the petitioner has further submitted that the petitioner has surrendered now on 01.09.2021 and is again in custody. It is also submitted that the name of the petitioner has come up on the basis of disclosure statement of co-accused namely Parveen Rohilla who has since died. The challan has already been presented in the present case and there are 27 witnesses and out of them, no witness has been examined and the conclusion of the trial is likely to take long time.

On the other hand, learned counsel for the State, on instructions from ASI Sanjay, has submitted that the petitioner was declared as Proclaimed Offender on 26.10.2017 and was arrested on 11.09.2020. However, the other factual aspects have not been disputed.

In order to rebut the aspect of Proclaimed Offender, learned counsel for the petitioner submits that in fact, the petitioner did not know about the registration of the present FIR and it is only when the main accused was arrested and then the petitioner was implicated and arrested on the basis of his disclosure statement. It is further submitted that the petitioner has been in custody for a period of more than eight months and the case is triable by the Magistrate.

Keeping in view the abovesaid facts and circumstances, moreso the facts that the petitioner has already been in custody for the last more

PAWAN KUMAR
2021.09.02 19:37
I attest to the accuracy and
authenticity of this document
Chandigarh

than eight months and the case is triable by the Magistrate and the fact that the challan has already been presented and out of 27 witnesses, none has been examined and the conclusion of the trial is likely to take a long time, this Court deems it appropriate to grant the concession of regular bail to the petitioner.

Hence, the present petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

Nothing stated above shall be construed as an expression of opinion on the merits of the case.

01.09.2021 **(VIKAS BAHL)**
Pawan **JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**

PAWAN KUMAR
2021.09.02 19:37
I attest to the accuracy and
authenticity of this document
Chandigarh