

CRM-M No. 5165-2021

Date of Decision : 17.03.2021

Aajib

...Petitioner

Versus

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Farukh Abdullah, Advocate for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

B.S. Walia, J. (Oral)

1. Prayer in the petition under Section 439 Cr.P.C. read with Section 482 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No. 992 dated 21.11.2020, registered under Sections 406, 420 IPC at Police Station Model Town, Panipat, Haryana.

2. As per FIR, the petitioner is accused of having defrauded the complainant's wife by scanning the QR Code linked with Bank account No. HDFC/20100154089481 to the tune of Rs. 79,000/-. Learned counsel contends that the petitioner is in custody since 16.12.2020, investigation is complete, challan has been filed, charges are yet to be framed, therefore, no useful purpose would be served by keeping the petitioner in custody especially in view of the prevailing circumstances on account of Corona Virus Pandemic. Learned counsel further contends that the petitioner is not involved in any other case.

3. Learned DAG, Haryana confirms the aforementioned factual position, as also of investigation having been completed and challan

having been filed but of charges yet to be framed.

4. I have considered the submissions of learned counsel for the parties.

5. In the light of the position noted above and after taking into account that the petitioner is in custody since 16.12.2020, investigation is complete, challan has been filed, charges are yet to be framed, petitioner is not involved in any other case, no useful purpose would be served by keeping the petitioner in custody especially in view of the prevailing circumstances on account of Corona Virus Pandemic, but without commenting upon the merits of the case, the petition under Section 439 Cr.P.C. is allowed and the petitioner is ordered to be released on regular bail during the pendency of the trial provided he is not required in any other case and subject to his furnishing bail bonds/surety to the satisfaction of the learned trial Court/CJM/Duty Magistrate. The petitioner shall also comply with the conditions contained in Section 437(3) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case. It is also made clear that if the petitioner is involved in any other case while on bail in the instant case, the prosecution would be at liberty to move an appropriate application for cancellation of the bail granted to the petitioner in this case.

(B.S. Walia)
Judge

17.03.2021.
Mehak

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