

225

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

CRM-M-7458-2021

Date of Decision: 22.02.2021

Mohammad Hamid and another**.. Petitioners****Vs.****State of Haryana****..Respondent****CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. S.S. Rana, Advocate for the petitioners.

Kanwar Sanjiv Kumar, AAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.0198 dated 04.07.2020 registered under Sections 379, 420 and 120-B IPC, 1860 at Police Station Sadar Hansi, Tehsil Hansi, District Hisar. The petitioners are in custody since their arrest on 29.12.2020.

The FIR was registered on the statement of complainant Sandeep and the allegations noticed by the Addl. Sessions Judge, Hisar in the order dated 18.01.2021, while declining the bail application of petitioners, read as under:

“Prosecution case is that on 04.07.2020, complainant Sandeep presented a complaint in the police station to the effect that on 19.05.2020 at 6:28 p.m., he received a call from mobile No.9045382908 on his mobile No.9566089613 by an unknown person who on the pretext of depositing crop insurance amount obtained information regarding his UPI Code and debited a sum of ₹89,000/- from his account. Hence, FIR under Sections 379 and 420 IPC was registered. During investigation, it was found that out of said amount, ₹25,000/- were transferred in the account of accused Mohammad Hamid. He was arrested and Section 120-B IPC was added. He suffered disclosure statement that he had handed over his ATM card to his

nephew Sajid who had withdrawn this amount and out of said amount, ₹5000/- were kept by Sajid and remaining ₹20,000/- were handed over to him. Thereafter, accused Sajid was arrested.”

Learned counsel for the petitioners contends that the investigation is almost complete and the petitioners are not required for any useful purpose. He further submits that the offences are triable by the Magistrate, therefore, the petitioners be released on bail.

On the other hand, the prayer is opposed by learned State counsel assisted by ASI Surender, on the ground that a sum of ₹25,000/- was deposited by Imran in the account of petitioner No.1 Mohammad Hamid and ₹5,000/- out of the said amount was withdrawn by petitioner No.2 Sajid. However, it is not disputed that the investigation of the case is complete, but the final report is yet to be submitted before the trial Court.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is almost complete and the offences are triable by Magistrate and the trial may take considerable time to conclude. Admittedly, the petitioners are presently confined in judicial custody since 29.12.2020, therefore, their further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail in the above case, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Hisar.

The petition is allowed.

22.02.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No