

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.10047 of 2020
Date of Decision: July 05, 2021

Mohammed Saif

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Punit Malik, Advocate,
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.13 dated 17.01.2020, under Sections 420, 467, 468, 471, 120-B IPC, 1860 and Section 66(D) Information Technology Act, 2000, registered at Police Station, Sector 65, Gurugram, District Gurugram. The petitioner is in custody since his arrest on 23.01.2020.

The contents of the FIR, as noticed by the Sessions Judge, Gurugram in his order dated 24.02.2020, are as under:-

“In brief, it is the version of the complainant that the insurance of car bearing registration No.HR-66B-8798 of the complainant was due on 16.01.2020; that complainant received a call from mobile phone No.8382910678 and the caller offered a comprehensive insurance policy for Rs.15,000/- telling that she was from policy bazar; that when

complainant agreed to renew his policy, she sent two executives to the complainant named Mohammed Fahad Siddique son of late Mohammad Zuber, resident of House No.147/11, Gointolla, near Hathikhana School, Police Barrier, Hindola, District Lucknow (U.P.) and Mohammed Saif (petitioner therein); that they gave the complainant soft copy of policy from ICICI Lombard with Policy No.3001/A/190871125/00/000 dated 16th January, 2020 against cash payment of Rs.15,000/-; that complainant got suspicious about the originality⁷ of the policy and asked them for their identity cards or any other proof but they did not have any; that petitioner then ran away with the cash and Mohammed Fahad Siddique was taken to police station and enquiry from the office of the company revealed that policy was fake.”

Learned counsel for the petitioner contends that the petitioner is in custody for a long period and the trial is likely to consume considerable time as the charges are yet to be framed, though the final report stands filed in April, 2020. He submits that the petitioner is not involved in any other case and has invited the attention of the court to the affidavit (Annexure P-1) of the complainant to the effect that he does not want any legal action against the petitioner. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Deepankar. He submits that though the final report has been filed in April, 2020, but the charges are yet to be framed and the next date before the trial court is 26.07.2021. However, it is not disputed by him that the petitioner is not involved in any other case of similar nature.

After hearing the learned counsel for the parties, this Court finds that the trial is yet to commence and as the petitioner is not involved in any other case, therefore, considering the period of custody, his further detention may not serve any useful purpose, who is presently confined in

judicial custody after his arrest on 23.01.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Gurugram.

July 05, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No