

CRM-M-13112 of 2020
Date of Decision: 04.01.2021

Kuldeep Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURIPresent: Mr. Baljeet Beniwal, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Through Video Conferencing**JASGURPREET SINGH PURI, J.(ORAL)**

The preset petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in FIR No.535, dated 24.10.2018 under Sections 406, 420, 467, 468, 471, 120-B and 204 of IPC, 1860 registered at Police Station Kotwali, Faridabad.

As per the allegations, the petitioner along with one another co-accused namely, Pradeep Singh, who was proprietor of Messers Chauhan Tractors, Village Lohari, Tehsil and District Jhajjar, Haryana has taken an amount of Rs.1,97,79,000/- from the complainant Messers Shree Ram Transport Finance Company on the pretext of disbursing the aforesaid amount to the loanees of the tractors. However, the aforesaid accused has not disbursed the amount to the loanees and therefore has misappropriated the same in their own favour. The loanee has also been arrayed as an accused in the present FIR.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has been falsely implicated and in fact out of the alleged total amount of Rs.1,97,79,000/- , an amount of Rs.90,00,000/- has already been deposited in the name of the complainant finance company and Rs.1,25,00,000/- has already been remitted in the name of the loanee namely, Ram Niwas Yadav. He has referred to the status report which was filed before the learned trial Court in which it has been found that out of the aforesaid amount, an amount of Rs.1,25,00,000/- has been transferred in the bank account of co-accused Ram Niwas Yadav. Learned counsel for the petitioner has submitted that in the present case after completion of the investigation, challan was presented and charges have already been framed way back on 03.10.2019 and till date no witness has been examined. He submitted that it is a case where the petitioner does not have any money with him and the entire money is either with the loanee Ram Niwas Yadav or with the finance company and the total custody period of the petitioner is more than 14 months and no useful purpose would be served in case, the petitioner is put in long incarceration. He further submitted that even the entire case is based upon the documents which are already in the police record and therefore, he may be granted the concession of regular bail. Learned counsel for the petitioner has also submitted that the other co-accused namely, Ram Niwas Yadav has already been granted regular bail by the learned trial Court vide order dated 07.01.2020 (Annexure P-9).

On the other hand, learned State counsel has submitted that it is a case where the alleged misappropriation has taken place and in the FSL report also, it has come on record that the signatures of the petitioners and the aforesaid Ram Niwas Yadav matched with each other. Learned State

counsel has further submitted that it is correct that the incarceration period is more than 14 months and charges have already been framed on 03.10.2019 and no witness has been examined as on date and has also opposed the bail application and has prayed for dismissal of the same.

Mr. Mayank Sharma, Advocate, who has caused appearance on behalf of the complainant has submitted that still some amount of money is recoverable from the petitioner and therefore he should be denied the concession of regular bail.

I have heard the learned counsel for the parties and have perused the record.

So far as the custody of the petitioner is concerned, the same has not been disputed by the learned State counsel. It is also not disputed by the learned State counsel that investigation of the case is already complete and charges have already been framed on 03.10.2019 and no witness has been examined till date. However, so far as the arguments raised by the learned counsel for the petitioner, the entire case is based upon the documents which are already with the police or with the Court and out of the alleged amount of Rs.1,97,79,000/-, an amount of Rs.90,00,000/- has already been remitted in the name of the complainant finance company and Rs.1,25,00,000/- in the name of Ram Niwas Yadav, does carry some weight.

So far as the arguments raised by the learned counsel for the complainant that some more amount of money is yet to be recovered will not hold good in view of the fact that the argument is totally vague in nature and otherwise also the criminal process is not a process for recovery of the money. Furthermore, it is not a case of the State that in case, the petitioner

is released on bail, he may tamper with any evidence or may influence any of the witnesses. It is also not in dispute that the petitioner is not involved in any other case.

In view of the above, considering the totality of the present case, I deem it fit and proper to grant the concession of bail to the petitioner. The present petition is allowed. The petitioner shall be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

It is made clear that the observations made hereinabove is purely for the disposal of the present bail petition and it will not reflect anything on the merits of the case.

(JASGURPREET SINGH PURI)
JUDGE

January 04, 2021
Manpreet

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