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

CRM-M-18870-2021

Date of decision-10.08.2021

Inderpal @ Rahul

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Vijay Lakshmi, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.58 dated 24.09.2020 registered under Sections 419, 420, 467, 468, 471 and 120-B Indian Penal Code, 1860 at Police Station Gandhi Nagar, District Yamuna Nagar. The petitioner is in custody since his arrest on 16.12.2020.

The FIR was registered on the basis of complaint moved by Rinku Kumar and the allegations as noticed by the learned Additional Sessions Judge, Yamuna Nagar in the order dated 22.03.2021 are as under:

“Brief facts of the case are that on 24.09.2020, a complaint bearing no. 5044 dated 14.07.2020 was received in the police station through post from the office of

Superintendent of Police, Yamuna Nagar regarding committing fraud by Narinder Singh, Employee, HDFC Bank, Jagadhri. Complainant Rinku Kumar alleged therein that they are law abiding citizen. They had handed over the documents for obtaining personal loan to Rahul Kumar, who handed over the same to Narinder Singh and Sahil. Thereafter, an O.T.P. was asked from them on telephone under the pretext that they (accused) were depositing their (complainant party victim) files in the bank but thereupon, no reply was received by them whether their loans have been sanctioned or not. In the month of June 2020, a telephonic call was received from H.D.F.C Bani, Yamuna Nagar for depositing the installment of loan and in response thereto, they replied that they had not obtained any loan from the bank. Then they came to know that Narinder Singh and Sahil in connivance with Senior Officers of bank and some shopkeepers by forging their documents had obtained product loan in their names and grabbed the amount. When they visited the bank, the bank officials told that appropriate proceedings would be conducted. On 20.06.2020, they presented an application to police. On the basis of the application, the present case FIR under Sections 419, 420, 467, 468, 471, 120-B of Indian Penal Code, Police Station Gandhi Nagar was lodged.”

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present FIR and the only role attributed to the petitioner is that he handed over the documents to the bank official. She further submits that petitioner is not involved in any other case. According to her, the investigation of the case is complete and the complainant stands examined, therefore, further custody of the petitioner may not be useful. She prays for bail.

On the contrary, learned State counsel assisted by SI Janak Raj has opposed the prayer, however, it is not disputed that the petitioner is not involved in any other case. He submits that the investigation of the case is complete and out of total 31 prosecution

witnesses, only four witnesses have been examined so far and the case is now fixed for 16.08.2021 for recording the prosecution evidence before the trial Court.

Considering the above background, nature of the offences which are triable by Magistrate and custody of the petitioner, this Court finds that though the trial has commenced but the same is progressing at a slow pace as only four witnesses have been examined out of total 31 prosecution witnesses. It is apparent that the conclusion of trial is likely to consume considerable time, therefore, further custody of the petitioner may not be justified for any useful purpose, who is presently confined in judicial custody after his arrest on 16.12.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, 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 concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

10.08.2021

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