

CRM-M-19453-2021 (O&M)

THROUGH VIDEO CONFERENCE

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

**CRM-M-19453-2021 (O&M).
Decided on: May 17, 2021.**

Tule Ram

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.H.S.Dhindsa, Advocate,
for the petitioner.**

Mr.Deepak Manchanda, Addl. A.G., Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present second petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.242 dated 16.08.2019, under Sections 120-B, 342, 365, 406 and 420 IPC, registered at Police Station, Kasola, District Rewari, Haryana.

As per the allegations contained in the FIR one boy namely Rakesh Kumar, alleged to be of low I.Q. was taken to office of

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Registrar as well as bank and by way of deception, his property was sold in favour of one Virender Singh and the sale consideration of Rs.15 lacs was deposited in the name of aforesaid Rakesh Kumar but after few days, the said amount was withdrawn from the account of aforesaid Rakesh Kumar and was transferred in the name of Abhay Ram as well as Parvesh.

Learned counsel for the petitioner has submitted that in the present case the petitioner who has no role to play has been falsely implicated and he is not even the beneficiary. He has submitted that it is not a case that the petitioner had visited the office of Registrar or the bank or any other place, however, merely on the basis of conjectures and surmises, the petitioner has been roped in the present case. He has submitted that allegedly an amount of Rs.10,20,000/- was subsequently transferred in the name of Abhay Ram father of the petitioner and this would not raise any assumption that the petitioner was also involved in the said transaction. He has submitted that said Abhay Ram is not an accused in the present case whereas the petitioner has been falsely implicated. He has further submitted that the petitioner is in custody since 1.9.2020 i.e. for the last more than eight months from now and the investigation of the case is already complete and the challan stands presented. He has submitted that the charges have yet not been framed probably due to Covid – 19 epidemic.

Learned counsel for the petitioner has relied upon Annexure P-2 vide which a coordinate Bench of this Court has granted bail to the main accused namely Virender Singh on 5.4.2021 (in whose name the land was transferred) along with Parvesh @ Pardeep (in whose name some

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of the amount was transferred), Basant and Satyanarain (who are stated to have taken Rakesh Kumar to bank). He has submitted that so far as petitioner is concerned, he was neither a beneficiary nor involved in the present case and the mere fact that some of the amount was transferred in the name of father of the petitioner who is not even an accused in the present FIR would not raise the assumption that the petitioner is also involved in the present case. He has further stated that the petitioner is not involved in any other case and that even otherwise also, the investigation is complete and challan stands presented and the petitioner is facing incarceration for the last more than eight months, as such, he be granted the concession of regular bail.

On the other hand, learned State counsel has stated that it is correct that the petitioner is in custody since 1.9.2020 and is not involved in any other case. He has submitted that it is also correct that the investigation of the case is complete and challan stands presented although charges have not been framed. It is also not disputed that aforesaid Abhay Ram father of the petitioner is not an accused in the present FIR and that the main accused have already been granted bail by a coordinate Bench of this Court on 5.4.2021, vide Annexure P-2. However, he has opposed the grant of regular bail on the ground that the case is serious in nature.

I have heard the learned counsel for the parties.

It is not disputed that the petitioner is in custody since 1.9.2020 i.e. for the last more than eight months and that the petitioner is not involved in any other case. So far as the allegations against the

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petitioner are concerned, the same pertain to transaction of Rs.10,20,000/- in the name of father of the petitioner. However, father of the petitioner is not an accused in the present FIR. The other co-accused namely Virender Singh, Parvesh @ Pardeep, Basant and Satyanarain, have already been granted bail by a coordinate Bench of this Court on 5.4.2021 vide Annexure P-2.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and appropriate to admit the petitioner on bail. Consequently, the present petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

May 17, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No