

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.19342 of 2021 (O&M)

Date of Decision: July 16, 2021

Rahul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Surender Dhull, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

CRM-17614-2021

Application is allowed. FIR Annexure P-3 is taken on record.

CRM-M-19342-2021

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.1270 dated 20.08.2017, under Sections 420, 406, 467, 468, 471 and 120-B IPC, 1860, registered at Police Station, City Jagadhri, District Yamuna Nagar. The petitioner is in custody since his arrest on 14.04.2021.

The contents of the FIR, as noticed by the Additional Sessions Judge, Yamuna Nagar in para 5 of the order dated 27.04.2021, are as under:-

“The brief matrix of the present case sans dispensable details is that a complaint was filed by complainant Jinender Jain to

the police against the accused persons and it was alleged by him that he was cheated in the year 2015 and he got registered FIR No.397 dated 07.09.2015 under sections 420, 467, 468, 120 B IPC. On 03.08.2016, he received a telephonic call that he can get the money for which he was cheated, if he deposits certain fees. Thereafter, he deposited an amount of Rs.5,220/- in IDBI Bank and thereafter on various dates a large amount of money was deposited by him. He suffered material loss due to deposit of amount on various dates. It was accordingly requested that legal action be initiated against the culprits and the amount be recovered.”

Learned counsel for the petitioner has argued that the petitioner was not named in the FIR and was subsequently indicted as an accused on the basis of the disclosure statement made by his co-accused Vikas. He submits that the said co-accused Vikas has already been released on regular bail by the trial court vide order dated 13.07.2021. According to him, the complainant has settled the dispute with the accused and affidavit in this regard is Annexure P-2. He prays for bail.

On the other hand, learned State counsel, assisted by SI Bhoop Singh, has not disputed this fact that the co-accused of the petitioner has been released on regular bail and the investigation in the above FIR is complete, but the trial is yet to commence.

After hearing the learned counsel for the parties and considering the fact that the co-accused of the petitioner, namely, Vikas has already been released on regular bail, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 14.04.2021. Further, the trial is yet to commence and it may take considerable time to conclude.

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, Yamuna Nagar.

July 16, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No