

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-19498 of 2021
Date of decision:02.08.2021

Rajesh Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sandeep Kumar, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

The petitioner is seeking regular bail in case FIR No.177 dated 30.06.2020 registered under Sections 370, 384, 406, 420, 120-B of Indian Penal Code, 1860 and Section 24 of Immigration Act, at Police Station Madhuban, District Karnal.

FIR (Annexure P-1) has been registered on the complaint of Satbir on the allegation that he has been duped of Rs.10.80 lakhs by Rajesh Kumar son of Sadhu Singh (present petitioner) and Ram Mehar on the pretext of sending his son Sankalap and another person abroad.

Counsel for the petitioner contends that during the course of investigation, it transpired that though the FIR had been lodged by Satbir, in fact, he was the real culprit as he has taken Rs.19.30 lakh from one Rajesh son of Jagdish, who executed an affidavit dated 26.03.2021 (Annexure P-4), wherein, he has stated that he does not want to take any action against the present petitioner. Counsel has made a reference to the statement (Annexure R-1) of Rajesh son of Jagdish recorded during investigation, wherein, he has given clean chit to the petitioner. He submits that the first petition for regular bail filed by the petitioner was withdrawn on 17.03.2021 by filing an application and that investigation qua the petitioner is complete, challan has been presented and the petitioner is no longer required for custodial interrogation.

Per contra, State counsel upon instructions from ASI Pardeep Kumar, has opposed the petition. He is not in a position to dispute the statement recorded by Rajesh son of Jagdish, though as per his instructions Satbir is absconding. However, he submits that the petitioner is involved in 03 other cases registered against him with almost similar allegations.

To counter the submission of State counsel, counsel for the petitioner submits that the petitioner is on bail in all the 03 FIRs. He has made a reference to the order dated 15.03.2021 (Annexure P-5) to submit that the petitioner was granted bail in first case by this Court and in the cases mentioned at serial nos.2 and 3 in para No.8 of the status report, the petitioner was released on bail by the Sessions Court.

Having considered the arguments addressed by counsel for the parties, this Court is of the opinion that material collected by the prosecution would remain debatable and the petitioner, who is in custody since 13.07.2020, would be entitled to be released on bail.

Keeping in view the facts and circumstances, nature of allegations, the gravity of offence, period of incarceration of the petitioner which is for more than one year and the fact that trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

August 02, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes