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

CRM-M-21125-2021

Date of decision-11.11.2021

Nitish Kumar

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. G.C.Shahpuri, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Sawan Chaudhary, Advocate for the complainant.

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.215 dated 05.10.2020 registered under Sections 406 and 420 Indian Penal Code, 1860 at Police Station City Safidon, District Jind. The petitioner is in custody since his arrest on 23.12.2020.

The FIR was registered on the basis of complaint moved by Virender Singh and the allegations as noticed by the learned Additional Sessions Judge, Jind in the order dated 17.05.2021 are as under:

“The present case FIR No.215 dated 5.10.2020 under Sections 406 and 420 of Indian Penal Code, Police Station City Safidon, has been registered on the complaint of Virender Singh s/o Shri Rajpal Singh resident of Employees Colony, Safidon, on the allegations that the

applicant/accused along with his other associates dishonestly induced the complainant that he would get employed his (complainant's) wife as an Anganwari Supervisor for a consideration of Rs.15 lacs and on their inducement, the complainant has given Rs.14,90,000/- to them, from 30.5.2017 to 4.8.2018 but accused have neither got employed the wife of the complainant nor returned his money on demand. Thereafter, the applicant/accused has again allured the complainant that a Pharmaceutical factory will be installed in his field and complainant will have 25% share in the same, but nothing was done. When the complainant again demanded his money back, accused persons had threatened the complainant to kill.”

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present FIR. According to him, the investigation of the case is complete as the final report stands filed on 22.02.2021, but charges are yet to be framed. The trial will take considerable time to conclude, therefore, further custody of the petitioner may not be useful. He prays for bail.

On the contrary, learned State counsel assisted by SI Satish Kumar and learned counsel for the complainant have opposed the prayer on the ground that the petitioner is involved in three more cases of similar nature, however, he is on bail in one case. He submits that the final report was filed before the court of competent jurisdiction on 22.02.2021 and charges are yet to be framed.

Considering the above background, nature of the offences which are triable by Magistrate and custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as charges are yet to be framed, therefore, further

detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 23.12.2020.

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

11.11.2021
vanita

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