

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

106

**CRM-M-21570-2021
Date of Decision : 05.08.2021**

Vijender

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sanchit Choudhary, Advocate
for the petitioners.

Mr. Sumit Jain, Addl. A.G. Haryana.
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

(The case has been taken up for hearing through video conferencing).

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of regular bail in case FIR No.675 dated 09.09.2020 registered under Sections 406 and 420 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station HTM Hisar, District Hisar to which Sections 465, 467, 468, 471 and 120-B of the IPC were added lateron.

Brief facts of the case are that on 09.09.2020 a secret information was received by ASI Ved Parkash that 4-5 boys have hired third floor of H.No.412, Sector-5, Hisar who dishonestly and fraudulently made misrepresentations to various persons on the pretext of giving loan and defrauded them. Raid was conducted at the above-said address as per the prescribed procedure. The police apprehended the petitioner along with other co-accused. On search 9 mobile phones, 4 Aadhar Cards, 4 driving license, 2 laptops along with charger, 5 note books and one advertisement in the name of Bajaj Finance were recovered from the spot.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State in terms of reply filed by way of affidavit of Ms. Upasana, IPS, Assistant Superintendent of Police, Hisar.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for petitioner has submitted that the petitioner has been falsely implicated in the present case on the basis of alleged secret information. The petitioner did not make any dishonest inducement or fraudulent misrepresentation to anyone and did not cheat any person. The FIR is totally vague. Bald and startling false allegations have been made in the FIR. The allegations made in the FIR are not supported by any material evidence. Even if the entire allegations in the FIR are taken at their face value and accepted in their entirety yet no offence or case is made out against the petitioner. Co-accused Kavish Asija and Sunil have already been granted regular bail by this Court vide order dated 22.04.2021. The petitioner is in custody since 09.09.2020. The trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 and no useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand learned State Counsel, on instructions of ASI Ved Parkash who has appeared before this Court through video conferencing, has argued that the petitioner along with his co-accused cheated the persons by giving fraudulent advertisements in the social media and news papers for giving loan on low rate of interest. The petitioner was arrested from the spot with four other co-accused and on search 9 mobile phones, 4 Aadhar Cards, 4 driving licenses, 2 laptops along with charger, 5 note books and advertisement chart were recovered from them. The petitioner along with their co-accused defrauded Nachhatar, Gurjit Singh, Vicky Kumar and others by alluring them for giving of loan on low rate of interest and defrauded their victims of the amount of Rs.2,69,34,911/- approximately. In view of nature of

of regular bail. Therefore, the petition may be dismissed.

In the present case, challan has already been filed against the petitioner and his co-accused and the prosecution evidence is yet to be concluded. The question of the guilt or innocence of the petitioner and his co-accused is to be determined on the basis of evidence to be produced during trial. Bail is the rule and jail is the exception. Detention in custody of the petitioner will not serve any useful purpose. There is no material to justify the apprehension of the petitioner absconding or intimidating the prosecution witnesses. Co-accused Kavish Asija and Sunil have already been granted regular bail by this Court vide order dated 22.04.2021 passed in CRM-M-927-2021 and CRM-M-7210-2021.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, parity with co-accused Kavish Asija and Suni and the fact that the trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

05.08.2021

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No