

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22026-2021
Date of Decision: 10.06.2021

Kapil Kumar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. H.N. Sahu, Advocate, for the petitioner.

Mr. Saurabh Girdhar, Assistant Advocate General, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in case bearing FIR No.1007 dated 14.12.2018, under Sections 406, 420, 467, 468, 471, 120-B of the Indian Penal Code, 1980, registered at Police Station Assandh, District Karnal.

The learned counsel for the petitioner has submitted that as per the prosecution story the petitioner duped the complainant for getting some job in consideration of money to the tune of Rs. 6,00,000/- and when allegedly the petitioner could not do the needful, then a cheque was issued by him. The learned counsel submitted that the petitioner was falsely

implicated in the FIR and rather he had filed application before the authorities that the cheque was stolen by the complainant. He submitted that at the most it can be termed as a financial dispute between the parties and no offence under Section 406, 420, 467, 468, 471 and 120-B IPC was made out. He further submitted that the investigation of the case is already complete and challan has already been presented and the trial of the case would take long time and, therefore, he may be considered for regular bail. The learned counsel further submitted that the petitioner is involved in one another FIR but the same is pertaining to Section 306 IPC only and, therefore, the same cannot become a ground for denial of regular bail to the petitioner in the present case.

On the other hand, Mr. Saurabh Girdhar, learned Assistant Advocate General, Haryana has submitted that the petitioner has been accused of providing job for the complainant and, therefore, the matter was serious in nature.

I have heard the learned counsel for the petitioner.

The petitioner is in custody since 13.02.2021 and admittedly the investigation of the case is already complete and the challan has already been presented. The learned State counsel has not disputed that the matter pertains to money dispute. However, he has submitted before this Court that since the matter was serious in nature and it involves fraud, the petitioner may not be granted the concession of regular bail. However, it is a settled law that seriousness of an offence per-se is not a ground for denial of bail. In the present case, the investigation of the case is already complete and the challan has already been presented. The involvement of the petitioner in

denial of bail. The trial of the present case may take long time to conclude and the petitioner is in custody since 13.02.2021. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may tamper with any evidence or may influence any witness or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstances in the present case, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

10.06.2021

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No