

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22094-2021 (O&M)

Date of Decision: 15.07.2021

Anil Kamboj

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Arun Sharma, Advocate, for the petitioner.

Mr. Kirpal Singh Thakur, Assistant Advocate General,
Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

CRM-17115-2021

The present application has been filed for placing on record true translated copy of FIR.

For the reasons recorded in the application, the same is allowed.

Annexure P-1 is taken on record subject to just exceptions.

Main case

The present application has been filed under Section 439 of Cr.P.C for grant of regular bail to the petitioner in FIR No.592 dated 20.08.2020, under Sections 406/420 of Indian Penal Code, 1860, registered at

Police Station Sadar Karnal, District, Karnal.

As per the allegations contained in the FIR the petitioner had taken a sum of Rs.17 lakh from the complainant out of which Rs.2,20,000/- was paid by way of bank transfer and the remaining was made by way of cash.

Learned counsel for the petitioner has submitted that a false case has been planted upon the petitioner and transfer of money, if any was on account of sending somebody abroad. He submitted that be that as it may after the lodging of the FIR, the investigation was conducted and the investigation of the case is already complete and challan has already been presented on 07.04.2021 and that the petitioner is in custody since 24.03.2021. He submitted that on the face of it the case pertains to money dispute which is of civil nature and trial of the case would take some time and, therefore, he may be considered for the grant of regular bail.

On the other hand, Mr. Kirpal Singh Thakur, learned Assistant Advocate General, Haryana has submitted that it is correct that the petitioner is in custody since 24.03.2021 and the investigation of the case is already complete and the challan has been presented on 07.04.2021. However, he has opposed the bail on the ground that the remaining amount has not been recovered as yet from the petitioner and that there is another case of similar kind against the petitioner, however, the details of other case against the petitioner is not known to the learned State counsel.

I have heard the learned counsel for the parties.

So far as the custody period of the petitioner is concerned, the same has not been disputed by the State counsel. It is also not disputed that the investigation of the case is already complete and the challan has already been presented. However, the pendency of some other case against the petitioner

without the detail thereof cannot be become a ground of denial of bail to the petitioner. The trial of the case may take long time for its decision. Furthermore it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, 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.

15.07.2021

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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