

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

228

CRM-M No.23138 of 2021
Date of decision:29.06.2021

Sanjay

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Kawalpreet Singh Virk, 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.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.57, dated 02.02.2021 registered under Sections 406, 420 IPC (467, 468, 471 and 506 IPC were added later on) registered at Police Station Jind City, District Jind.

As per the version of the prosecution, FIR has been registered on the complaint of Manoj and Sandeep Bura on the allegation that Sanjay Malik (present petitioner) duped them of Rs.6.5 lac each under the guise of getting them employment in the Army. Sanjay Malik is alleged to have taken them to Srinagar in August, 2017, where their medical examination was conducted, they were issued appointment and joining letters as well as receipt for some money deposited by them.

Counsel for the petitioner submits that there is a delay of more

than three years in the registration of the FIR as the allegations pertain to the year 2017, whereas the FIR has been registered in February, 2021. It is his argument that there is no material to show that the complainants had entrusted any money to the petitioner. He submits that the original documents pertaining to appointment, joining, police verification etc. have not been produced and only the photocopies thereof have been supplied by the complainants and consequently the provisions of Sections 467, 468 and 471 IPC are not attracted. Counsel urges that the offences are triable by a Magistrate. He argues that the investigation is complete, challan has been presented and the petitioner, who is in custody since 03.02.2021 deserves to be enlarged on bail.

On the other hand, learned State counsel upon instructions from ASI Kamal Singh, has opposed the petition and submitted that there are specific allegations against the petitioner, who was known to the complainants as they were schoolmates. By making a reference to the allegations levelled in the FIR, State counsel submits that out of the duped money, the petitioner has returned a sum of Rs.2 lac to the complainants. Still further, he submits that co-accused, Surender, whose name has been disclosed by the petitioner, is yet to be arrested. As per his instructions, some gold articles and mobile have been recovered from the petitioner which he had purchased out of the money entrusted to him. Upon further instructions, he submits that challan has been presented on 02.04.2021, though the charge is yet to be framed.

I have considered the rival submissions of the parties.

The material collected by the prosecuting agency would remain debatable. This Court is of the prima facie view that the petitioner would be entitled to the grant of concession of bail during the pendency of the trial.

Keeping in view nature of allegations and gravity of offence, this Court deems it appropriate to release him on bail subject to her 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 as an expression of opinion on the merits of the case.

29.06.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No