

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-28820-2021 (O&M)

DATE OF DECISION: OCTOBER 6, 2021

VINOD KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. S.S. GILL, ADVOCATE FOR THE PETITIONER.
KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

CRM-33384-2021

This is an application for adding Section 201 IPC alongwith other Sections mentioned in the petition.

Application is allowed. Registry is directed to make necessary amendment and the addition be reflected at the appropriate places.

Main Case

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.1270 dated 20.8.2017, under Section 420, 406, 467, 468, 471, 120-B, 201 IPC, Police Station City Jagadhari, District Yamuna Nagar. The petitioner is in custody since his arrest on 19.6.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Yamuna Nagar at Jagadhari, in the order dated 2.7.2021, are as under:-

“The brief matrix of the present case sans dispensable

details is that a complaint was filed by complainant Jinender Jain to the police against the accused persons and it was alleged by him that he was cheated in year 2015 and he got registered FIR no.397 dated 07.09.2015 under section 420,467,468,120 B IPC. On 03.08.2016, he received a telephonic call that he can get the money for which he was cheated, if he deposits certain fees. Thereafter, he deposited an amount of Rs. 5,220/- in IDBI Bank and thereafter on various dates a large amount of money was deposited by him. He suffered material loss due to deposit of amount on various dates. It was accordingly requested that legal action be initiated against the culprits and the amount be recovered.”

Learned counsel for the petitioner has argued that the offences are triable by Magistrate and as the investigation in the case is complete, therefore, his further custody may not be necessary. He prays for bail.

On the other hand, learned counsel for the State assisted by SI Bhoop Sinth does not dispute this fact that the investigation of the case is complete and the challan stands filed on 27.8.2021. He further states that in all there are 12 accused persons and six were arrested. According to him, five accused persons have already been released on regular bail and the case of the petitioner is almost similar to the co-accused released on bail.

Considering the above background, nature of offences which are triable by Magistrate and the fact that similarly situated co-accused have already been released on regular bail, this Court is of the opinion that further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest

on 19.6.2021, as the trial of the case is likely to consume considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

October 6, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No