

**203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

Decided on : 11.02.2021

CRM-M-26257-2020

Nanak Chand Tayal

..... Petitioner

Versus

State of Haryana

..... Respondent

CRM-M-26751-2020

Bishan Bansal

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pradeep Virk, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana.

Manjari Nehru Kaul, J.

This order shall dispose off two petitions i.e. CRM-M-26257 and 26751-2020 as both the petitions have arisen out of the same FIR. Brief facts of the case are taken from CRM-M-26257-2020.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.129 dated 04.03.2018 registered under Sections 406, 420, 204 and 120-B IPC, 1860 and Section 3 of Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 at Police Station Sector 31, Faridabad.

In compliance of order dated 06.10.2020, status report has been filed by way of an affidavit by the State.

Learned counsel for the petitioner(s) submits that a perusal of the FIR in question reveals that the essential ingredients to attract the mischief of Sections 406, 420, 204 and 120-B IPC and Section 3 of Haryana Protection of interest of Depositors in Financial Establishment Act, 2013 are clearly amiss. It has been submitted that the petitioners no doubt were Directors of SRS Group but had resigned as such on 01.06.2017 much prior to the issuance of the cheques dated 09.02.2020, which were in fact issued by the co-accused Devender Adhana, who had since been extended the concession of bail. A prayer has therefore been made to extend the concession of regular bail to the petitioner(s), who was arrested on 05.04.2018 and the trial is unlikely to conclude in the near future as only three out of 21 prosecution witnesses cited have been examined so far . He further submits that the entire case is based on documentary evidence, which is already in the custody of the investigating agency, hence, no useful purpose would be served by keeping the petitioner(s) in custody.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner(s) has submitted that an amount totalling to Rs.60 lakhs was deposited in the personal account of the petitioner(s), which left no manner of doubt that he/they were direct beneficiaries. She on instructions from SI Kimti Lal has submitted that the delay in the trial has been on account of outbreak of Covid-19.

Heard.

In view of the submissions made by learned counsel and the fact that the cases rests on documentary evidence in addition to the fact that the petitioner(s) has been in custody since 05.04.2018, the trial is unlikely to

conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition(s) is allowed and the petitioner(s) is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

11.02.2021

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