

CRM-M-32247-2021 (O&M)

THROUGH VIDEO CONFERENCE

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

**CRM-M-32247-2021 (O&M).
Decided on: August 20, 2021.**

Javed Khan

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Virender Verma, Advocate, for
 Mr.Rajesh Nain, Advocate,
 for the petitioner.**

Mr.Bhupender Singh, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

CRM-25682-2021

Present application has been filed for placing on record true copy of order dated 5.5.2021 (Annexure P-3) passed by the learned Addl. Sessions Judge, Faridabad.

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

Annexure P-3 is taken on record subject to all just exceptions.

Main Case

The present petition has been filed under Section 439 of

CRM-M-32247-2021 (O&M)

the Code of Criminal Procedure, seeking regular bail in FIR No.194 dated 24.3.2021, under Sections 406 and 420 IPC (Sections 467, 471, 419, and 120-B IPC and Section 66-D of I.T. Act, 2000 added later on), registered at Police Station Surajkund, District Faridabad.

Learned counsel for the petitioner has submitted that it is a case where the petitioner has been falsely implicated and the allegations contained in the FIR are that the petitioner had adopted the method of taking an amount of Rs.2,999/- from various people and then was indulging in the system of lottery for giving away certain prizes to individuals. He has further submitted that the police has already completed the investigation and has presented challan on 19.06.2021 and the co-accused has also been granted bail by the learned trial Court on 05.05.2021 vide Annexure P-3. He has submitted that so far as the present petitioner is concerned, he is in custody since 24.03.2021. He has further submitted that once the investigation is complete, no useful purpose will be served in case the petitioner is kept in custody for a longer time. He has further submitted that the petitioner is not involved in any other case.

On the other hand, learned State counsel has submitted that it is a case where the petitioner has cheated a number of people and the matter is serious in nature and therefore, has opposed the grant of bail. He has further submitted that the petitioner is not at parity with the co-accused namely Yaseen who has been granted bail by the learned trial Court because the co-accused was only an employee of the present petitioner.

I have heard the learned counsel for the parties.

The custody period of the petitioner since 24.3.2021 is

CRM-M-32247-2021 (O&M)

not in dispute. It is also not in dispute that the petitioner is not involved in any other case. It is also not in dispute that after completion of investigation, the challan has been presented before the competent Court on 29.06.2021. So far as the parity of the present petitioner with the co-accused Yaseen is concerned, although as per the learned counsel for the parties the co-accused was allegedly an employee of the present petitioner but the present case can always be considered on its own merits. It is not the case of the State that in case the petitioner is released on bail then he may influence any witness or tamper with evidence or may flee from justice particularly in view of the fact that the petitioner is not involved in any other case. The trial of the case would take some time as the challan has been presented on 19.06.2021..

Therefore, considering the totality of circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner. Accordingly, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the 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 only for the purpose of decision of present petition.

August 20, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No