

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

CRM-M-36319 of 2021

DECIDED ON: 8th September, 2021

Ravinder

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Sunil Kumar Goswami, Advocate for petitioner.

Ms. Geeta Sharma, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This is third petition under Section 439 Cr.P.C. filed seeking regular bail in case of FIR No.409 dated 27.7.2018, under Sections 406, 420 IPC (467, 468, 471, 506 and 120-B IPC deleted later), registered at Police Station Jind City, Jind, District Jind, Haryana.

Earlier two bail applications were dismissed on merits. The order dated 31.7.2020 of this Court declining the bail was challenged before the Supreme Court. The SLP was dismissed vide order dated 29.10.2020.

The only ground pressed now is that the petitioner is in custody for one year and seven months approximately. The matter is being tried by the Magistrate and hence, there can be maximum three years sentence. It is further argued that the main accused Arun Kaushik has been arrested.

It is a case where on a promise of doubling the investment the public was duped of lacks of rupees. The trial is at the initial stage. The co-accused were evading Court which delayed the investigation. There is no substantial change in circumstance brought out for filing the third bail petition. The contention that the trial is before the Magistrate and maximum punishment can be of three years cannot be accepted at this stage. As per the provisions of Cr.P.C. if need so arises the Magistrate has power to refer the matter to the appropriate Court. The delay in trial in this case cannot be solely attributed by the prosecution.

Considering the gravity of offence and nature of allegations on grant of bail, there would be a fair possibility of tampering with the evidence and influencing the witnesses.

No ground is made out for grant of bail.

Dismissed.

8th September, 2021

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**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes*

Whether reportable *Yes*