

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 211

CRM-M-31523-2020

Date of decision : 28.01.2021

Ankur Bajaj and another

..... Petitioners

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Akshay Jindal, Advocate, for the petitioners.

Mr.Naveen Singh Panwar, DAG, Haryana.

DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.134 dated 08.03.2018, registered under Sections 406/420/120-B IPC (Sections 467/468/471/201 IPC and Section 67 of Information Technology Act, 2000 added later on) at Police Station Qila, district Panipat.

The primary allegations against the petitioners are that they have duped several complainants of their money and that when they were asked to return such amounts the petitioners handed over to them cheques which got dishonoured.

Seeking regular bail for the petitioners learned counsel submits that the petitioners have been falsely implicated in the present case; they have been in custody since 04.01.2020; the dispute between the parties is primarily of civil nature; report under Section 173 Cr.P.C. has already been filed and therefore they are not in a position to influence the investigation; the entire disputed amount in the present FIR i.e. Rs.14,15,733/- already stands deposited in the Trial Court by co-accused Sunil Bajaj; co-accused Sunil Bajaj, who is similarly placed and who approached this Court through CRM-M-21949-2020, has already been granted bail by this Court on 09.09.2020 and that the petitioners' trial in which the prosecution has cited 24 witnesses is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioners on the ground that a case of similar nature; several cases under Section 138 of the Negotiable Instruments Act, 1881 and several cases under Section 174-A IPC are pending against them.

The petitioners have been in custody for over a year; the amount involved in the present FIR has already been deposited in the Trial Court by co-accused Sunil Bajaj; co-accused Sunil Bajaj, who is similarly placed as the petitioners, has already been granted bail by this Court; report under Section 173 Cr.P.C. has already been filed and therefore the petitioners are not in a position to influence the investigation and the petitioners' trial in which the prosecution has to produce 24 witnesses is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above and in particular for the reason that the entire amount which is the subject matter of the present FIR already stands deposited in the Trial Court, the present case is considered to be a fit one in which the petitioners be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Panipat, who shall insist on heavy local surieties, the petitioners are directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

28.01.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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