

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

CRM-M-33697 of 2020

DATE OF DECISION : 11.02.2021

Mohd. Kadeem

...Petitioner

versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. S. K. Panwar, Advocate,
for the petitioner.

Mr. Harsh Vardhan, AAG, Haryana.

(Presence marked through video conferencing).

ARUN MONGA, J. (ORAL)

This is second bail petition for grant of regular bail in case FIR No.329 dated 06.11.2019 under Sections 406/420/467/468/471/506/120-B IPC registered at Police Station Sarai Khawaja, District Faridabad (Haryana).

2. Per FIR allegations, petitioner in connivance with one Rattan Bhushan Gupta and others cheated the complainant for a sum of Rs.3,40,00,000/-.

3. Learned counsel for the petitioner contends that petitioner has been made scapegoat as he was merely an employee in the company of co-accused Rattan Bhushan Gupta. He has been falsely implicated in the case. He further submits that there is unexplained delay of one year in lodging the FIR on 06.11.2019. According to prosecution the alleged occurrence took place in the month of October, 2018. Nothing has been recovered from the petitioner. The petitioner is in custody since 28.01.2020. The investigation is complete and challan has already been filed. He also submits that earlier the trial was held up

due to Covid-19 pandemic and physical hearings in Courts have resumed just now, therefore, same is not likely to conclude any time soon.

4. Ms. Mamta Talwar, DAG, Haryana, does not contradict that investigation is over as challan has been filed.

6. Having heard learned counsel for the petitioner, as well as learned State counsel, this Court is of the view that no useful purpose would be served at this stage by keeping the petitioner in further preventive custody. The petitioner is stated to be in custody since 28.01.2020. The trial is not likely to conclude soon. On query of court, it transpires that even the alleged financial transactions of cheating were carried out through other bank accounts and no money was remitted in the petitioner's bank account. Other similarly placed co accused is already on bail. Petitioner deserves parity.

7. In the premise, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Illaq Magistrate/ Duty Magistrate, as the case may be.

FEBRUARY 11, 2021
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No