

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207+105)

CRM-M-36126 of 2020 (O&M)
Date of Decision: 04.03.2021

Harpreet Singh @ Happy

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Pavan Malik, Advocate, for the petitioner.
Mr. Surender Singh, AAG, Haryana
Mr. Rohit Rana, Advocate, for the complainant.

AMOL RATTAN SINGH, J. (Oral)

By this petition filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of 'regular bail', upon FIR no.265, dated 29.09.2020, having been registered at Police Station New Colony, Gurugram, alleging therein the commission of offences punishable under the provisions of Sections 406/420/467/468/471/120-B of the IPC.

Pursuant to the order of this court dated 11.11.2020, a reply by way of an affidavit of the Assistant Commissioner of Police, Staff Officer, Gurugram, dated 28.01.2021, is on record, in which other than the facts of the present case, three other complaints filed against the petitioner have been referred to.

Mr. Malik, learned counsel for the petitioner, submits that as regards two complaints made by Narender Kumar and Rizwan Ali, they eventually resulted in one FIR being filed, and even in that FIR police remand of the petitioner has been refused by the competent court, on 01.03.2021, though of course nothing with regard to the merits thereof has

been stated in that order.

He submits that as regards the third complaint referred to by the ACP, in fact it is stated in the affidavit itself that the SHO had stated that it is only a civil dispute.

He next submits that the report under Section 173 of the Cr.P.C having been submitted to the competent court in the present case, and the petitioner having been in custody since 18.10.2020, he may now be admitted to bail.

Learned counsel for the State and counsel for the complainant, both oppose the grant of bail on the ground that since another case also stands registered against the petitioner and at least other complaints of a similar nature were made against him though eventually resulting in one other FIR being lodged, the petitioner does not deserve to be admitted to bail, he and his co-accused found to have been duping people at different points of time.

Having considered the matter, though naturally there would be something in what learned State counsel submits, but with one of the complaints filed against the petitioner not having resulted in an FIR being registered and the *challan* in the present case already having been submitted to the competent court, with the trial still to commence, I would see no purpose in keeping the petitioner in custody during the course of the trial.

Consequently, without making any comments on the merits of the case, this petition is allowed, with the petitioner ordered to be released on bail, upon his furnishing adequate bail and surety bonds to the

satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

04.03.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes

Whether reportable: No