

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.37623 of 2020

Date of Decision: January 13, 2021

Salman @ Suleman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Afzal Hussain, Advocate,
for the petitioner.

Mr. Sukhdeep S. Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.67 dated 12.02.2020, under Sections 406 and 420 IPC, 1860, registered at Police Station, Urban Estate, Rohtak, District Rohtak. The petitioner is in custody since his arrest on 28.09.2020.

The allegations contained in the FIR as recorded by the Additional Sessions Judge, Rohtak in his order dated 28.10.2020 are as under:-

“The case set up by the prosecution is that on February 12, 2020, the complainant-Sonu filed a written complaint alleging therein that he had selected a car for purchase on OLX on October 19, 2019. In this regard, he contacted the seller at mobile No.7374969866, who identified himself as Rati Pal Singh s/o Vijay Singh, r/o Village Silani. He also showed the RC of the car No.HR-26BH-6623. The deal was settled for

Rs.50,000/- and offered to send the car on October 20, 2019. He asked the complainant to deposit Rs.5100/- in his account No.919560220052 in the name of Army Cant Chief Rohit Koshik, On the request of the complainant, his relative deposited the amount. On October 20, 2019, the complainant received another call requesting for more money and accordingly, the complainant requested his relative to deposit Rs.8599/-. After sometime, the seller once again requested for more money to deposit the sales tax and the complainant accordingly deposited Rs.5,000/-. On October 21, 2019, another demand for Rs.7350/- for Haryana GPS was made and the complainant did the needful. The complainant then received a call from mobile No.7027008115 demanding more money for release of the car. Now the complainant refused to accept the car and threatened to report the incident. Thereafter, the phone number could not be contacted. On January 22, 2020, the complainant came to know from a newspaper report that the vehicle number, ID and RC of the vehicle being proposed to be sold to him had been recovered by the Haryana police by arresting a gang which operated in Mewat and Gurgaon.

Learned counsel for the petitioner contends that the investigation of the case is complete and, therefore, further custody of the petitioner may not be necessary as the trial is likely to consume considerable time. He prays for bail.

On the other hand, learned State counsel, assisted by Inspector Naresh Kumar, has though opposed the prayer, but does not dispute this fact that the trial is yet to commence.

After hearing the learned counsel for the parties and considering the custodial period of the petitioner, this Court finds that the conclusion of trial is likely to consume considerable time, particularly in the

wake of outbreak of pandemic COVID-19 in the region, therefore, the further detention of the petitioner behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Rohtak.

January 13, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No