

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

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CRM-M No.38953-2020

Date of decision:22.04.2021

Satish Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ajay Ghangas, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

This petition has been filed under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.0838, dated 07.10.2019 registered under Section 406, 420, 506, 120-B of IPC at Police Station City Panipat District Panipat.

Counsel for the petitioner has submitted that the petitioner had business transactions with the complainant and when the petitioner allegedly could not make the payment, the complainant lodged the FIR, Annexure P-1, against him. It is his argument that a civil dispute between the parties has been deliberately given a criminal colour to pressurize the petitioner. He submits that the investigation is complete, challan has been presented and the petitioner, who is in custody since 29.06.2020

deserves to be enlarged on bail.

Per contra, learned State counsel, upon instructions from SI Dinesh Kumar has opposed the petition. By making reference to the status report filed by way of affidavit of Deputy Superintendent of Police, City Panipat, he submits that the petitioner in his disclosure statement has admitted that he had purchased material from the complainant and is unable to make payment to him. As per his instructions, the petitioner is involved in another FIR with almost similar allegations though he stands released on bail. Still further, he submits that the charges have been framed on 17.11.2020, the trial is in progress and 2 out of 9 prosecution witnesses have been examined.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegations, gravity of offence and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

22.04.2021

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No