

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.40105 of 2020
Date of Decision: January 13, 2021

Sarfaraz @ Sara

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Farukh Abdullah, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, 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.488 dated 24.07.2020, under Sections 406 and 420 IPC, 1860, registered at Police Station, Shivaji Colony, Rohtak, District Rohtak. The petitioner is in custody since his arrest on 22.10.2020.

As per the allegations in the FIR, complainant Ashwani was working in a private company. On 23.07.2020, he selected a vehicle bearing No.DL-2C-AQ-8927 WAGONR LXI PRO. He had a conversation with the accused persons on mobile No.7064073180. They told him to deposit Rs.6500/- for transportation, which was done. Thereafter, certain more amounts were deposited by the complainant on their asking. The complainant transferred total amount of Rs.1,72,399/-. The accused persons did not hand over the vehicle and committed fraud with the complainant. On

these broad allegations, the above FIR was registered.

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 ASI Balraj, 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
Whether Reportable:

Yes/No
Yes/No