

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
202 (PROCEEDINGS THROUGH V.C.)

CRM-M-40435-2020

Date of decision: 29.01.2021

SANDEEP

...PETITIONER

V/S

STATE OF HARYANA

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ashok Giri, Advocate,
for the petitioner.

Ms. Shubhra Singh, Addl. A.G. Haryana,
for the State.

Mr. Amit Maan, Advocate,
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this second petition is for grant of regular bail in case FIR No. 172 dated 11.11.2019 under Sections 406/420 and 506 IPC, Police Station Titram, District Kaithal.

Learned counsel for the petitioner asserts that the petitioner was arrested on 26.05.2020 and is in custody since then. He asserts that the petitioner has not been named in the FIR nor has any specific role been attributed to him. His assertion is that the main accused is Anil Kumar and on his disclosure statement, petitioner was also roped in. Nothing has been specified in the disclosure statement of the co-accused Anil Kumar with regard to the role of the petitioner or that any money being handed over to him by even Anil Kumar. Counsel further prays that the petitioner being in custody for the last eight months with 29 witnesses, which have been cited by the prosecution to be examined and not even charge having been framed, he be granted the concession of bail as the case is triable by the Magistrate.

On the other hand, learned counsel for the State as well as the counsel for the complainant assert that a huge amount of ₹1,88,00,000/- has been taken by the petitioner with his accomplices from the complainant. They, however, could not dispute the fact that in the FIR, the name of the petitioner does not figure nor has any role been attributed to him in the said FIR. All the transactions, which have taken place and even the communications are between the co-accused Anil Kumar and the complainant and others. The next date of hearing before the trial Court, according to the counsel for the State on instructions, is 08.02.2021 and that too, for appearance of the accused. They, therefore, pray that the petitioner be not granted the concession of bail.

Having considered the submissions made by the learned counsel for the parties and keeping in view the fact that the petitioner is not named in the FIR nor has any role been attributed to him in the disclosure statement of the co-accused Anil Kumar with eight months having passed and the case being triable by a Magistrate, where challan has already been presented, the charge has not been framed, the present petition is allowed. Petitioner is directed to be released on regular bail on furnishing bail bonds to the satisfaction of the Trial Court/Duty Magistrate/Chief Judicial Magistrate, Kaithal.

Any observations made herein above shall have no bearing on the merits of the case.

January 29, 2021

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No