

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

113-3

**CRM-18374-2021 in/and
CRM-M-43742-2020
Date of decision: 15.07.2021**

Om Parkash

.....Petitioner

Versus

State of Haryana and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Partap Singh, Advocate
for the applicant/petitioner.

Mr. Sumit Jain, Addl. A.G. Haryana
for the respondent-State.

Mr. Sandeep Singh, Advocate
for respondent No.2-complainant.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

CRM-18374-2021

The applicant/petitioner has filed the present application under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for pre-ponement of the date i.e. 23.08.2021 fixed in the main case.

Learned State Counsel and learned Counsel for the complainant have no objection if the application is allowed.

In view of the reasons mentioned in the application and no objection, the application is allowed and the main case is pre-poned for today itself.

CRM-M-43742-2020

The petitioner has filed the present petition under Section 439 of the Cr.P.C. for grant of regular bail in case FIR No.158 dated 05.06.2020 registered under Section 420 of the Indian Penal Code, 1860 (for short, 'the IPC') and Sections 10 and 24 of the Immigration Act, 1983 at Police Station Safidon, District Jind to which Section 370

of the IPC was added lateron.

The petitioner being in custody since 09.07.2020 has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Sh. Sadhu Ram, Deputy Superintendent of Police, Jind.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case and he had no role of any kind qua the allegations levelled in the FIR. It is nowhere mentioned in the FIR when and where the alleged amount was given and what was the mode of payment. No recovery of the alleged amount was made from the petitioner. Alleged incident had taken place in February, March 2019 but till deportation of the complainant, no complaint was made by the complainant or his family members. The present FIR was got registered as a sequel to other FIRs registered against the petitioner at the instance of persons who went to USA on their own seeking asylum and on failure to get the asylum they got false FIRs registered against the petitioner. The petitioner has not committed any offence. Now, the matter has also been compromised with the complainant and petition bearing No.CRM-M-25556-2021 for quashing of the FIR on the basis of compromise has been filed in this Court. Even otherwise, the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that in view of the nature of accusation and gravity of the offences and involvement of the petitioner in other cases of similar nature, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Learned Counsel for the complainant has admitted the factum of compromise and has submitted that the complainant has no objection if the petitioner is granted regular bail.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the factum of compromise between the petitioner and the complainant and alternatively the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.07.2021
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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No