

CRM-M-43941-2020

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

**CRM-M-43941-2020 (O &M)
Date of decision:05.04.2021**

Jagjit Singh Ahlawat

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr.Vinod Ghai, Sr. Advocate with
Mr. Edward Augustine Geoge and
Ms. Kanika Ahuja, Advocates,
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Randeep Singh Rai, Sr. Advocate with
Mr. Manish Soni and Ms. Rubina Virmani, Advocates,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

CRM-3413-2021

Allowed as prayed for. Short reply by way of affidavit of the
Secretary, The Engelberg Cooperative Group Housing Society, Gurugram,
is taken on record.

CRM-4970-2021

Annexures P-12 to P-14 are taken on record, subject to all just
exceptions.

Disposed of.

CRM-9143-2021

Allowed as prayed for. Short reply by way of affidavit of the

CRM-M-43941-2020

complainant, President of The Engelberg Cooperative Group Housing Society, Gurugram, is taken on record.

CRM-M-43941-2020

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.126 dated 20.05.2018 registered under Sections 406, 420, 465, 467, 471, 477-A, 120-B IPC at Police Station Manesar, District Gurugram.

At the outset, it may be noticed that after noticing the rival contentions of learned senior counsel for the parties and the learned State counsel, the earlier petition i.e. CRM-M-28176-2019 filed by the petitioner, was dismissed by this Court, vide a detailed order dated 28.11.2019.

Learned Senior Counsel for the petitioner, without dilating on the rival contentions raised and noticed in the earlier order dated 28.11.2019 passed by this Court, confines his arguments to the custody period of the petitioner. He submits that the petitioner, by how, has been in custody for more than 02 years and 02 months. He, thus, submits that in view of the custody period of the petitioner, he may be granted the concession of regular bail. It is also submitted that the petitioner is no more required for any further investigation and his incarceration is not justified.

Learned State counsel and the learned Senior Counsel for the complainant, vehemently oppose the prayer made in the present petition. While referring to the earlier detailed submissions noticed in the order dated 28.11.2019 and the reasons recorded therein by this Court, it is submitted that there being no change of circumstance, the petitioner is not

CRM-M-43941-2020

entitled to the concession of regular bail. However, they do not dispute the custody period of the petitioner. They further submit that mere long custodial period is no ground to enlarge the petitioner on bail, specially when he is accused of playing fraud; siphoning off the funds and converting the same to his personal use.

After hearing the learned counsel for the parties and keeping in view the custody period of the petitioner as noticed above coupled with the fact that the all the offences are triable by the Judicial Magistrate Ist Class, this Court finds that trial of the case would take time to conclude and, therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

05.04.2021
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No