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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-314-2021
Date of Decision: 11.01.2021

ABDUL KARIM **.. Petitioner**

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: None for the petitioner.

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.58 dated 14.02.2020 registered under Sections 406, 419, 420, 467, 468, 471, 120-B, 201 and 171 IPC, 1860 at Police Station Hodal, District Palwal, Haryana. The petitioner is in custody since his arrest on 19.02.2020.

The above FIR was registered on the statement of Rinku, wherein it was alleged that he purchased a vehicle Alto 800 LXI bearing registration No.UP32GH-5122 from Ashish Aggarwal and transferred Rs.1,95,000/- in his account No.917566276042, whereas the said vehicle was not handed over to him. The said deal was made through a telephonic conversation upon the assurance of the owner, that upon transfer of the amount, the vehicle would be delivered at complainant's house. According to the complainant, the vehicle was not delivered and the owner asked the complainant to deposit the amount in some other account. On these broad allegations, the above FIR was registered.

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Learned state counsel has argued that in the alleged occurrence, the account of the petitioner was utilized by his co-accused and the amount was got transferred in his account.

During the course of hearing, it is not disputed by the learned State counsel that the investigation of the case is complete. He, on instructions from SI Jawahar Singh, states that the final report was filed on 05.05.2020, but the charges are yet to be framed.

After considering the background of the case, this Court finds that the offences are triable by Magistrate and considering the custody of the petitioner, this Court does not find any reason to decline the prayer, as the trial is likely to consume considerable time to conclude. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 19.02.2020, therefore, his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Palwal.

(MANOJ BAJAJ)
JUDGE

11.01.2021
Jasmine Kaur

Whether speaking/reasoned Yes No
Whether reportable Yes No

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