

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-933-2020

Decided on : 23.05.2022

Dinesh Kumar Verma

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 606 dated 22.10.2018 under Sections 34, 406, 420 and 506 of the Indian Penal Code, 1860 (Section 120-B IPC and Sections 4, 5 and 6 of the PCMCS Act, 1978 added later on) registered at Police Station City Fatehabad, District Fatehabad.

Learned counsel for the petitioner has submitted that in the present case, the petitioner is not named in the FIR and the allegations of cheating and duping the complainant have been levelled against Harish Kumar and Amit Kumar, who have been specifically named in the FIR. It is further submitted that the petitioner had even resigned from the company AHN Networks India Pvt. Ltd. on 31.03.2018 i.e. prior to the registration of the present FIR. It is contended that the case is triable by the Magistrate and the challan has already been presented and no witness

has been examined as yet and thus, the trial is likely to take a long time. It is further contended that as per the custody certificate of the petitioner, which has been filed in the court today and the same is taken on record, the petitioner has already undergone actual custody of 8 months and 1 day and is not involved in any other case. It is also submitted that the petitioner has already been granted interim bail on 27.03.2020 and has never misused the said concession.

Learned State counsel, on the other hand, has opposed the present application for regular bail and has submitted that the investment sought from the complainant by the company in question, was in the month of March 2018 and as per the version of the petitioner, he had resigned on 31.03.2018. The custody period, as mentioned by learned counsel for the petitioner, has not been disputed by the learned State counsel.

This Court has heard learned counsel for the parties and has perused the paperbook.

The petitioner is not named in the FIR. The present case is triable by the Magistrate. It is the case of the petitioner that he had resigned from the company AHN Networks India Pvt. Ltd. on 31.03.2018 i.e. prior to the registration of the present FIR and is not involved in any other case and even as per the custody certificate, he has already undergone actual custody of 8 months and 1 day and since no witness has been examined as yet, thus the trial is likely to take a long time. Moreover, the petitioner has not misused the concession of interim bail granted to him during the period of COVID pandemic on 27.03.2020.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail after he surrenders before the trial Court on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in, the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

May 23rd, 2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No