

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

CRM-M-6856-2022

Date of decision-23.02.2022

Roshan Lal

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manoj Pundir, Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.173 dated 13.08.2021 under Sections 406, 420, 506 and 120-B Indian Penal Code, 1860 registered at Police Station Radaur, District Yamuna Nagar, who is in custody since his arrest on 08.11.2021.

The contents of the FIR as noticed by the learned Additional Sessions Judge, Yamuna Nagar in his order dated 04.02.2022 are as under:-

“The present FIR was registered on the basis of complaint moved by complainant Jasmero Devi, on the allegations that accused persons have opened their office in the name of Shiv Sena at Radaur Road Camp near Petrol Pump and one office in Bhatia Building, Yamuna Nagar. The accused persons in conspiracy with each other cheated the complainant by inducing her to deliver Rs. 40 lakh on the pretext of providing job to Kavita, Kamajeet, Kajal, Manga Ram and Rs. 1200/- each from the six groups having 30 members each, borrowed the cloth from the shop of son-in-law of complainant worth Rs. 2 lakh, two filled gas cylinders from the complainant, 50 forms of BPL grant, amounting to Rs. 3 lakh (6000/- each),

Rs.2,80,000/- on the pretext of providing widow pension, ration card, aadhar card, Pan card and six photographs, signed cheque book of Punjab National Bank from the complainant on the pretext of opening account in the Punjab National Bank. The accused persons neither provided jobs to anyone nor provided pension. They also did not provide any work to the group members, neither provided grant for construction of houses to people. Accused Renu and Virender got prepared stamp of Rs. 27 lakh by cheating her in February 2021. On demanding to return the money, accused persons threatened to commit suicide and insulted her by uttering derogatory words and also threatened her with dire consequences. In this way, applicant/accused alongwith co-accused in conspiracy with each other cheated the complainant by inducing her to deliver Rs. 60 lakh on the pretext of providing jobs, pension, providing grant for constructing houses, etc but they did not keep their promise. On the basis of these allegations, the present F.I.R. was registered.”

Learned counsel for the petitioner has argued that the above FIR was registered on the basis of the complaint given by Jasmero Devi and the allegations in the FIR regarding payment of Rs.40 lakhs to the accused persons are vague and lacks material particulars. He has further submitted that according to the complainant, the alleged amount was paid on different dates by her relatives and that too long back in a period spreading from 2018 to 2019, whereas the FIR was lodged after a long delay on 13.08.2021. He has invited the attention of the Court to Annexures P-2 and P-4, whereby concession of pre-arrest bail has been granted to co-accused of the petitioner. He submits that as the investigation of the case is complete, therefore, further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, learned State counsel assisted by SI

Suresh Kumar, while opposing the prayer has argued that the petitioner is involved in another case of similar nature i.e. FIR No.182 dated 26.06.2021 under Sections 406, 420, 467, 468, 471 and 120-B IPC registered at Police Station Bilaspur, Yamuna Nagar and investigation in the present case is complete, however, the trial is yet to commence.

At this stage, learned counsel for the petitioner has produced the order dated 26.11.2021 to contend that in the above mentioned case, petitioner has been released on bail and in the order it has been noticed that nothing was recovered from the petitioner.

Considering the above background, petitioner's custody and the fact that the offences are triable by Magistrate, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 08.11.2021.

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

The petition is allowed.

23.02.2022

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No