

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

CRM-M-8150 of 2022(O&M)

Date of Decision: 12.09.2022

Kapil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Punit Malik, Advocate
 For the petitioner.**

Ms. Harpreet Kaur, AAG Haryana.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 74 dated 15.11.2019, registered under Sections 420, 467, 468, 471 and 506 IPC at Police Station Jui Kalan, District Bhiwani.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case at the instance of complainant Satpal, who has alleged that all the accused persons including the petitioner took money from him on the pretext of providing job to his son in NDA (Army) and thereafter the accused persons failed to do so and also refused to return the money. The counsel for the petitioner further submits that the petitioner is in custody for the last more than 01 year and 10 months and no cash was recovered from his possession. The counsel for the petitioner further submits that after the completion of investigation challan has been presented and charges are framed but it will take considerable time for the Judicial Magistrate Ist Class to conclude the trial. The counsel for the

petitioner further submits that in another two cases being faced by the petitioner, he has already been granted bail. So, prayer is made for grant of bail to the petitioner in the present case.

Instant petition is contested by the State counsel who has submitted that the petitioner colluded with the co-accused and took huge amount from the petitioner on the pretext of providing job to his son and thereafter retracted from promise and also refused to return the money. However, the State counsel has not refuted the fact that after completion of investigation challan has been presented, charges framed and now the case is fixed for prosecution evidence. The State counsel has also not refuted the fact that no money was recovered from the possession of the petitioner and only one uniform of Indian Army was recovered from his possession. The State counsel further submits that the petitioner is also involved in two other cases.

I have considered the submissions made by learned counsel for the parties.

All the offences are triable by the Court of Judicial Magistrate Ist Class and as per the custody certificate furnished by the State counsel the petitioner is behind the bars for last 01 year and 10 months. As has been stated by counsel for petitioner the petitioner has been granted bail in two other criminal cases being faced by him. Admittedly, after completion of investigation challan has been presented and thereafter charges are framed and now the case is fixed for prosecution evidence. It will take considerable time for the trial to terminate. So no purpose is going to be served by prolonging the judicial incarceration of the petitioner.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.09.2022

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**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No