

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

CRM-M-15455-2022

Date of Decision: 06.12.2022

LOGNON LAZARE

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sanchit Punia, Advocate for
Mr. Vishal Aggarwal, Advocate
for the petitioner.

Mr. N.S. Panwar, DAG, Haryana.

Mr. J.P. Jangu, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 0008 dated 06.01.2020, under Sections 406, 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 and Sections 66C, 66D of the Information Technology Act, registered at Police Station Hisar City, District Hisar.

It has been submitted by the learned counsel for the petitioner that the petitioner is a foreign national and he is in custody from 02.08.2021, which is almost 1 year and four months. He also submits that the present is a case, which is triable by Magistrate and the investigation of the case has

already been completed and, thereafter, the trial has commenced. He has further submitted that even the complainant namely Dr. Ashwani has already been examined as PW-1 and the petitioner has been falsely implicated purely on the basis of suspicion but it was all on the basis of presumption that the petitioner along with the other co-accused had received some amount of money, whereas, in fact even as per the prosecution, there was another lady, namely Sonia, who had called the complainant for demanding some money on the pretext that it was required for the medical treatment of the family member of the lady in England and consequently, the complainant had transferred an amount of Rs.18,80,000/- for that purpose. He further submitted that the petitioner was not beneficiary of any kind of transaction and no amount has been transferred in the name of the petitioner and even if some amount has been transferred by the complainant, then the same has been transferred in the name of Sonia and still the petitioner is facing incarceration for about 1 year and 4 months. It has been submitted by the learned counsel for the petitioner that the petitioner is similarly situated with the other two co-accused, namely Rose Wifey @ Vaiphei and Cisse Abou, who have been extended the benefit of regular bail by this Court in CRM-M-25602-2022 & CRM-M-39423-2022, vide orders dated 06.07.2022 and 07.09.2022 respectively, and, therefore, the petitioner may also be considered for the grant of regular bail.

On the other hand, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner is in custody from 02.08.2021 and the present case is triable by Magistrate and the investigation of the case has been completed and the trial has already been

commenced, in which the complainant has already been examined. He has not disputed the fact that the petitioner is at parity with the other two co-accused, who have been extended the benefit of regular bail by this Court. He has however opposed the prayer for grant of regular bail on the ground that the petitioner is a part of the gang, which had taken money from the complainant on various pretexts.

Mr. J.P. Jangu, Advocate has put in appearance and filed *Vakalatnama* on behalf of the complainant. He opposed the prayer for grant of regular bail to the petitioner on the ground that the petitioner along with the other two co-accused had played fraud upon the complainant and the petitioner is also involved in one more case in the State of Maharashtra.

I have heard the learned counsel for the parties.

The petitioner is in custody from 02.08.2021; the present is a case triable by Magistrate; investigation of the case has been completed; complainant has already been examined. The petitioner is also stated to be at parity with the aforementioned two co-accused, who have been extended the benefit of regular bail by this Court vide orders dated 06.07.2022 and 07.09.2022. The mere pendency of another FIR against the petitioner cannot become a ground for denial of regular bail. The conclusion of trial may take long time and it is not the case of the State nor it has been so argued by the learned State counsel that in case the petitioner is released on bail, he may influence any witness or may tamper with evidence or may flee from justice.

In view of the aforesaid totality of facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner

shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case **and with the added condition that he shall submit his passport before the trial Court.**

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

06.12.2022

Poonam Negi

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No