

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

280

CRM-M-17342-2022

Date of Decision : **May 05, 2022**

RADHE MOHAN SHARMA

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Manoj Tanwar, Advocate
for the petitioner.

Ms. Shivani Sharma, AAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present is a second petition filed by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.200 dated 28.8.2020 under Sections 420, 506, 409, 467, 468, 471 IPC, registered at Police Station Sadar, Narwana.

It has been submitted by the the learned counsel for the petitioner that earlier he had filed a bail application before this Court which was dismissed as withdrawn on 28.2.2022. He submitted that the medical condition of the petitioner has deteriorated thereafter and, therefore, he has filed the present bail petition which may be considered on merits. He further submitted that as per the allegations the petitioner alongwith some other co-accused had gone to the house of the complainant and had promised for some job and there was a transaction of Rs.4,80,000/- in the account of the petitioner. He submitted that whereas infact the said account number was given by the son of the

petitioner to the complainant and so far as the present petitioner is concerned, he has got nothing to do with any offence whatsoever. He further submitted that be that as it may, the investigation of the case has already been completed and the challan has been presented before the competent Court and thereafter five witnesses including the material witnesses and the complainant have already been examined and the entire case is based upon documentary evidence. Apart from the same while referring to Annexure P-3 which is the medical record of the petitioner, he submitted that the petitioner is suffering from complications of diabetes and hypertension because of which his kidney, liver and pancreas are affected and has submitted that the cyst is also detected in the kidney and the gall bladder has also contracted with the result that the medical condition of the petitioner is serious. He further submitted that the petitioner is in custody from 30.8.2021 and considering the aforesaid circumstances he may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 30.8.2021 and it is also correct that the material witnesses including the complainant have since been examined. However, she has opposed the grant of bail to the petitioner on the ground that it was a case of serious fraud wherein the petitioner had taken money from the complainant on the pretext of offering a job.

I have heard the learned counsels for the parties.

The petitioner is in custody from 30.8.2021 and the investigation of the case has already been completed and as per the

learned counsel for the parties the material witnesses including the complainant have been examined. The petitioner has also attached the medical record and it appears that the same has been attested by the Medical Superintendent, District Jail, Jind. The trial of the case may take long time and the subject matter of the case pertains to documentary evidence.

Therefore, considering the aforesaid facts and circumstances of the present case, this Court is of the view that the petitioner is entitled for the grant of regular bail.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

May 05, 2022

ajay-1

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