

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

221-B

CRM-M-18362-2021 (O&M)

Date of Decision: 11.02.2022

WILSON PATEL @ MONU

... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Mukesh Yadav, Advocate
for the petitioner.

Mr. Surender Singh, AAG Haryana.

Mr. Aditya Yadav, Advocate
for respondent No.2/complainant.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.449 dated 31.12.2019, registered under Sections 406, 420, 467, 468, 471, 201, 120-B IPC and Section 66-D of IT Act, at Police Station Kanina, District Mahendergarh.

Learned counsel for the petitioner submits that the petitioner was not named in the present FIR; that the petitioner has been indicted on the basis of the disclosure statement of co-accused, namely Gaurav @ Monu and that the petitioner has been in custody since 21.01.2020. He further submits that no money has been received by the petitioner either in cash or in his bank account; that the entire money was allegedly deposited by the complainant through RTGS; that the offences are triable by Magistrate and that there is no other case

registered and/or pending against the petitioner.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel, assisted by the learned counsel for respondent No.2/complainant, does not dispute the custody period of the petitioner. He, however, submits that the petitioner is the master-mind of the crime as he along with other co-accused was operating a gang to cheat the innocent persons by giving an advertisement for getting the agency of JAWA motorcycles. He further submits that the complainant had deposited a huge amount of Rs.29,60,000/- in various accounts through RTGS for the purpose of getting the agency of JAWA Motorcycle. Still further, it is submitted that post framing of charges, prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 21.01.2020. There is no other case registered and/or pending against the petitioner. Prosecution evidence is yet to commence. In such circumstance, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

11.02.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No