

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

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CRM-M-19458-2022 (O&M)

Date of Decision: 20.12.2022

PRAVEEN BHANOTAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Karan Kaushal, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this third petition, the petitioner seeks regular bail in case FIR No.151 dated 20.03.2020, registered at Police Station Civil Lines Karnal, District Karnal, under Sections 406, 420, 328, 506 and 120-B IPC.

Learned counsel for the petitioner submits that the earlier bail petition preferred by the petitioner was dismissed on merits vide order dated 06.07.2021. He has contends that the alleged occurrence took place on 05.10.2019 whereas the above-noted FIR was registered on 20.03.2020 i.e. after a delay of about 05 months; that the allegation against the petitioner is that he had accompanied co-accused, namely, Naresh Kumar @ Rajesh and Mahant Parshant Puri, in a car and hatched a conspiracy and introduced Satish, father of the complainant, to the

persons, who had allegedly found a gold brick while digging the fields; that the matter has been compromised between the parties and that Satish, father of the complainant and the complainant has sworn an affidavit in this regard.

Learned counsel for the petitioner further contends that the petitioner has been in custody for the last more than a year and that out of 36 prosecution witnesses, none has been examined so far and the trial Court has issuedailable warrants to secure the presence of the complainant. He further submits that there is no other case registered and/or pending against the petitioner and that co-accused, namely, Naresh Kumar @ Rajesh, Mahant Parshant Puri and Tahir Ali, have been granted the concession of bail by this Court.

On the other hand, learned State counsel, while opposing the prayer for the grant of bail to the petitioner, does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he along with the co-accused, had administered some intoxicant substance to the complainant and took away Rs.86,00,000/- from him, while handing over a fake gold brick.

I have heard the learned counsel for the parties.

Though there are specific allegations against the petitioner, yet he has been in custody for the last more than a year. As per the learned counsel for the petitioner, compromise has already been effected between the parties. Co-accused have already been enlarged on bail.

There is no other case registered and/or pending against the petitioner. None of the prosecution witnesses has been examined till date and for securing the presence of the complainant, his bailable warrants have been issued. Trial is unlikely to conclude any time soon. 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.

20.12.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*