

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-19677-2022 (O & M)****Date of decision: 30.05.2022**

Balwan

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kartar Singh Malik-I, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

Mr. Naveen Bawa, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in a case FIR No.360 dated 12.10.2021 under Sections 406, 420, 506 IPC (Sections 467, 471 IPC added later on) registered with Police Station Civil Lines Sonipat, District Sonipat.

2. The FIR in the present case came to be registered on the basis of a statement of Prasano Devi widow of Jawahar Lal, who stated that Balwan (petitioner herein) had retired from Army and running a office of Security Service in his village Fazilpur. The son of the complainant-Shankar was working under Balwan, the present petitioner. Balwan is said to have promised Shankar a job in the army pursuant to which a sum of Rs.7,50,000/- was transferred in the account of Balwan. Thereafter, a joining letter was issued to the son of the complainant asking him to join at Uttar Pradesh CWUI, Kanpur Zone and when his son reached Kanpur, he

was not joined in the Army. In this way, Balwan-petitioner had received a sum of Rs.7,50,00/- from her, did not provide her son a job and did not return the money.

3. The learned counsel for the petitioner contends that as per the investigation conducted, out of Rs.7,50,000/- received by him only Rs.2,50,000/- were retained by him whereas the remaining amount of Rs.5,00,000/- was transferred to the bank account of his companion-Rajesh Mishra who used to provide the fake Army Admit Cards and another documents. He further contends that the petitioner is in custody since 18.01.2022, the challan has already been filed and none of the 16 prosecution witnesses have been examined so far, and therefore, the petitioner deserves the concession of regular bail.

4. A reply dated 24.05.2022 filed by way of affidavit of Virender Singh, HPS, Deputy Superintendent of Police, Traffic and City, Sonipat, is taken on record. The Registry is directed to tag the same at the appropriate place of the paper-book. The learned counsel for the State while referring to the reply contends that in the present case, a widow has been cheated of a hefty amount and the petitioner has committed a serious offence for which he does not deserve any sympathy and, therefore, he does not deserve the concession of regular bail.

5. I have heard the learned counsel for both the parties at length.

6. As per the case of the prosecution, the petitioner is said to have received a sum of Rs.2,50,000/- and the bulk of the money which is Rs.5,00,000/- is said to have been transferred in the account of co-accused Rajesh Mishra. The petitioner is in custody since 18.01.2022 and the investigation stands completed. As many as 16 prosecution witnesses are

the trial of the case is not likely to be concluded in the near future. Even otherwise it is a case of a magisterial trial and the petitioner does not have any criminal antecedents.

7. Keeping in view the aforesaid facts, no useful purpose would be served by keeping the petitioner in custody. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Balwan, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

May 30, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No