

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-M-22882-2022**

DATE OF DECISION: JULY 5, 2022

SUBHASH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.**

PRESENT: MR. SANDEEP YADAV, ADVOCATE FOR THE PETITIONER.  
MR. ANMOL MALIK, DAG, HARYANA.

**MANOJ BAJAJ, J.(ORAL)**

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.359 dated 17.9.2021, under Section 120-B, 406, 420, 506 IPC, Police Station Rewari City, District Rewari, who is in custody since his arrest on 31.3.2022.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Rewari in the order dated 18.4.2022, are as under:-

*“Facts relevant for the purpose of decision of present application are that on 25.08.2021 a complaint was received in P.S. City Rewari from the office of Superintendent of Police, Rewari. The complainant Sangeeta Devi wife of Subedar Major Honorary Captain Rampal Singh stated that her husband retired from the Indian Army on 31.05.2021. His pension accounts in SBI Bank are bearing account No. 31025764219, 39866977936 and PNB Bank is bearing account No. 0735000100206383. Rs.1 crore has been transferred from the aforestated bank accounts of her husband. Her husband disclosed that they are blackmailing him and also threatened him of life. She gave the account details of Raju @ Rajdhar, Sushma W/o Raju @ Rajdhar and*

*Asha W/o Subhash.”*

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated being father of Sushma (co-accused) and the amount from the account of the complainant's husband was transferred between years 2017-2021. He submits that the majority of the amount was transferred in the account of his daughter Sushma and her husband Raja @ Rajdhar, and strangely neither the complainant's husband ever objected to the account transactions nor himself lodged the FIR, therefore, it can be inferred that every transaction was made by the complainant's husband voluntarily. According to him, the other co-accused of the petitioner have been released on regular bail and in this regard, he has invited the attention of the Court to the order dated 19.10.2021 and 29.10.2021 (Annexure P-3 and P-4). According to him, the investigation is complete and challan stands filed on 25.5.2022. He prays for bail.

On the other hand, learned State counsel assisted by PSI Deepak has opposed the aforesaid prayer, but does not dispute this fact that there are multiple transactions from the account of complainant's husband to the account belonging to petitioner's daughter, namely, Sushma and her other relatives. He, on instructions states that the investigation of the case is complete as the final report has been filed and two other co-accused have already been released on bail.

After hearing learned counsel for the parties, considering the above background, as well as the custodial period of the petitioner, this Court finds that the offences are triable by Magistrate and further the trial is yet to commence, therefore, it is likely to consume considerable time to

conclude. Thus, further detention of the petitioner may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 31.3.2022. The case of the prosecution is founded on documentary material evidence and the material witnesses are either the complainant or her relatives and presently, there does not seem any possibility of their being one over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

July 5, 2022

Gulati

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No

**(MANOJ BAJAJ)**  
**JUDGE**