

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

224

**CRM-M-22955-2022
Date of decision: 12.07.2022**

SANJEEV RANA @ SUNNY @ PARKASH SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Vaneet Thakur, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case bearing FIR No. 423 dated 27.12.2016 registered under Sections 420, 406 and 120-B of the Indian Penal Code, 1860 at Police Station Zirakpur, District SAS Nagar.

2. Briefly, the story of the prosecution is that the co-accused of the petitioner namely Sanjeev Kumar and one Gaurav Nanda had met the complainant in a hotel at Zirakpur in the month of May-June, 2015 and showed a copper plate to the complainant that had capacity to attract rice towards itself. It was informed to the complainant that the said copper plate is an antique item and is owned by Gaurav Nanda and that this is not available in the open market. They agreed to sell the

same to the complainant for a sum of Rs. 70 lakhs and that they pointed out that the market value in the antique market is more than 5 to 10 times in case they find a suitable buyer. He contends that the accused persons neither gave the copper plate nor returned the money which is purportedly advanced by the complainant to co-accused Sanjeev Kumar and Gaurav Nanda.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is not named in the FIR and had not made any assurance or inducement to the complainant. Besides, the money in question also not alleged to have been handed over to the petitioner and the transactions of the complainant was with the co-accused Sanjeev Kumar and Gaurav Nanda alone. He further contends that the copper plate portrayed as an antique item already stands recovered from the said co-accused and that the concession of bail has already been granted to them vide order dated 03.01.2018 by the trial Court. It is also submitted that the name of the petitioner figured in a disclosure statement of the co-accused, however, no recovery in question was to be effected from the petitioner and that he has been arraigned as an accused solely because a car bearing registration No. HP-63A-5333 was spotted in the CCTV Footage of the hotel where the complainant is stated to have met with the other accused. He contends that the petitioner had purchased the said car on 27.05.2016 whereas the occurrence in question is stated to have taken place during the period of May to June, 2015 and as such, the participation of the petitioner in the commission of the offence is not established. Besides, the petitioner is in judicial custody and no recovery has been effected from him.

Investigation is complete and further custodial detention of the petitioner is not likely to advance any interest of justice.

4. Learned counsel appearing on behalf of the respondent-State, however, submits that the name of the petitioner was disclosed by the co-accused and that he has been nominated as an accused on the strength thereof. He however could not dispute the fact that the said co-accused have already been arrested and released on bail and recovery of the copper plate has already been effected. It is contended that final report under Section 173 Cr.P.C. has been filed only in the month of February, 2022 and that the prosecution evidence is yet to commence.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their able assistance.

6. Without examining the merits of the instant case and taking into consideration, the allegations against the petitioner, the period of custody, the fact that the other co-accused have already granted concession of regular bail and also the stage of trial, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed

as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

JULY 12, 2022
vishal sharma

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>