

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.216

CRM-M-27676-2021

Date of decision: 31.01.2022

Krishan @ Fatan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Lekh Raj Sharma, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.280 dated 05.07.2020, registered under Sections 379, 406, 420 and 489-B IPC at Police Station Kurukshetra, District Kurukshetra.

Briefly stated, the case of the prosecution is that the petitioner allured the complainant to hand over to him her gold jewellery and cash on the pretext that he would double both in a short while; on such allurement, the complainant handed over to the petitioner Rs.10 lakhs in cash and certain jewellery items; the petitioner took the cash and jewellery and in return gave certain items wrapped in a black cloth to the complainant; he asked the complainant to open the same after a few months and when the bundle was opened, she found therein children's money and artificial jewellery.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the petitioner is in custody since 06.07.2020; investigation in the case is complete; as per the case of the prosecution, in lieu of the cash given to the complainant, children's money had been given by the petitioner; such transaction, even if proved, would not constitute an offence under Section 489-B IPC and since 12 witnesses of

the prosecution still remain to be examined before the Trial Court the petitioner's trial will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he is a habitual offender having two other FIRs under Sections 406, 420 IPC pending against him and that if he is released on bail he is likely to commit similar offences.

Whether the children's money given by the petitioner in lieu of complainant's cash would constitute an offence under Section 489-B IPC shall be debated during the petitioner's trial. However, the petitioner is in custody since 06.07.2020; investigation in the case is complete and since 12 prosecution witnesses still remain to be examined in his trial, the same is likely to take a long time to conclude.

After considering the above rival submissions, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Kurukshetra, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

It is further clarified that while on bail if the petitioner is found indulging in any other criminal activity it shall be open to the State to seek cancellation of bail granted to him through this order, in accordance with law.

January 31, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No