

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

CRM-M-25136-2022(O&M)

Date of Decision: 28.07.2022

Aashik

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. M.D. Khan, Advocate
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J.(Oral)

The petitioner seeks the grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0344 dated 14.09.2021 registered under Sections 406 and 420 IPC, 1860 at Police Station Sadar Safidon, District Jind.

2. The brief facts of the case are that Sandeep son of Randheer Singh got registered the present FIR with the allegations that on 15.08.2021, he had seen an advertisement on Facebook regarding the sale of a Wagon R car for a sum of Rs.70,000/-. He sent a message on the mobile phone on the advertisement and the person responded to say that his name was Ravinder son of Zile Singh called himself an Army personnel. The said Ravinder sent an R.C. of the said vehicle through WhatsApp and some other documents. Thereafter, the said person

supplied a number of account numbers asking the petitioner to deposit the money in the same. The petitioner deposited a huge sum of money on the assurance that the vehicle shall be sold to him but the said vehicle was not sold to the petitioner.

3. The learned counsel for the petitioner *inter alia* contends that the incident took place on 15.08.2021 but the FIR was lodged after a gap of one month i.e. on 14.09.2021. He contends that this delay is fatal to the case of the prosecution and in fact, shows that the petitioner has been falsely implicated in the present case. He contends that he has not been named in the FIR and no specific role has been attributed to him. It is lastly contended that the petitioner has been in custody since 14.03.2021 and since the investigation stands completed. The further incarceration of the petitioner is not required.

4. On the other hand, learned State counsel submits that the allegations against the petitioner are extremely serious, he along with his co-accused have committed a serious offence. They had cheated the complainant of a sum of Rs.9,26,870/- on the pretext of a selling vehicle, which was not sold to him. Therefore, the petitioner does not deserves the concession of regular bail.

5. I have heard the rival contentions of both the parties.

6. Admittedly, the present case is one of magisterial trial. The petitioner does not have any criminal antecedents and he has been in custody since 14.03.2021. None of the 21 prosecution witnesses have

been examined so far and therefore, the trial of the present case is not concluded in the near future.

7. In view of above, without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

8. Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

28.07.2022

JITESH

Whether speaking/reasoned Yes/No

Whether reportable Yes/No