

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226

CRM-M-28229-2022
Decided on : 11.07.2022

Rahul Verma

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Ms. Ishita Jain, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 102 dated 09.06.2021 under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code, 1860 registered at Police Station Radaur, District Yamuna Nagar.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 29.07.2021, the challan has already been presented and the investigation is complete and there are as many as 11 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. It is further submitted that as per the FIR, initially, the complaint against the petitioner was that he had promised the complainants that he would send them abroad and on account of the lockdown, he had thereafter, promised to get them a job instead. It is

contended that the entire dispute is based on documents and the case is triable by the Magistrate and no purpose would be served by keeping the petitioner in further incarceration.

Learned State counsel, on the other hand, has opposed the present application for regular bail and has submitted that the petitioner is involved in 4 other cases and is, thus, a habitual offender and thus, he has prayed that the present petition be dismissed.

Learned counsel for the petitioner has rebutted the said argument and has submitted that in all the abovesaid cases, the petitioner is on bail and has further submitted that as per settled law, it is the facts of the present case which are required to be considered for the purpose of deciding the present bail application. For the said proposition, learned counsel for the petitioner has relied upon judgment dated 16.01.2012 passed by the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and others reported 2012 (2) SCC 382*** reference has been made to the relevant portion of paragraph 6 which is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

This Court has heard learned counsel for the parties and has perused the paperbook.

The petitioner has been in custody since 29.07.2021, the challan has already been presented and the investigation is complete and there are as many as 11 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. The entire dispute is based on the documents and the case is triable by the Magistrate. No purpose would be served by keeping the petitioner in further incarceration.

Keeping in view the abovesaid facts and circumstances and also in view of the law laid down in Maulana's (*supra*) case, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

It is made clear, in case, the petitioner threatens or influences any witness, it would be open to the State to move an application for cancellation of the present regular bail granted to the petitioner.

(VIKAS BAHL)
JUDGE

July 11th, 2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No