

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

241

CRM-M-33211-2021

DATE OF DECISION: 24.01.2022

ISLAM

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

Mr. Pardeep Solath, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.0348 dated 11.09.2020, under Sections 409, 420 and 120-B IPC, registered at Police Station Sector 31, Punhana, District Nuh.

Learned senior counsel for the petitioner contends that the petitioner is not named in the FIR wherein 13 co-accused have been specifically named. The allegations are primarily against the main accused Mushtaq Ahmad who had allegedly committed fraud with the complainant Bank and withdrawn huge amount of Rs.1,81,70,747/-. The petitioner has been arraigned as an accused on the statement of main accused Mushtaq Ahmad that a total sum of Rs.36 lakh (approximately) has been deposited in the account of the petitioner on various occasions. He, however, contends that the petitioner is in custody for over 11 months since his arrest on 22.02.2021 and similarly situated co-accused namely Saifulla in whose account about Rs.29,98,500 was deposited, had been granted regular bail by the Additional Sessions Judge after 3 months of custody. A copy of the order is at Annexure P-2. The petitioner is not involved in any other criminal case.

Learned counsel for the complainant contends that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

Learned State counsel contends that charges have been framed but no prosecution witness has been examined. However, he is not in a position to controvert the submissions of learned counsel for the petitioner that other similarly situated co-accused namely Saifulla has been granted bail by the Additional Sessions Judge, Mewat after three months of custody. He also contends that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

Heard.

In view of the above, especially when the petitioner is in custody for over 11 months, he is not involved in any other criminal case, co-accused has been granted regular bail, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

24.01.2022

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No