

CRM-M-29541-2022

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

CRM-M-29541-2022

Date of decision: 16.09.2022

Vikas Anand

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vikram Singh, Advocate,
for the petitioner.

Mr. Pawan Kumar Jhanda, AAG, Haryana.

Mr. Akshay Jindal, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.428 dated 17.05.2022, registered at Police Station City Karnal, District Karnal, under Sections 406, 420, 506 and 120-B IPC.

Status report dated 29.08.2022, by way of affidavit of the Deputy Superintendent of Police, City, Karnal, filed in the Registry, is taken on record.

Learned counsel for the petitioner contends that as per the allegations, the petitioner had not returned Rs.32 lakhs to the complainant, and that however, the prosecution case is mainly based on the alleged whatsapp chat.

Learned counsel further contends that the alleged entrustment of currency notes is shown to have been made four months prior to the

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application dated 25.03.2022 and that there is no cogent reason as to why the application had been moved at a belated stage; that even after moving the application dated 25.03.2022, the above-noted FIR was registered on 17.05.2022 due to political pressure.

Learned counsel further contends that all the aforesaid offences are triable by the Judicial Magistrate Ist Class; that the petitioner has been in custody since 27.05.2022; that the money dispute between the parties has been given a cloak of criminal offence, and that the petitioner has falsely been implicated in the present case.

On the other hand, learned State counsel and the learned counsel for the complainant, while opposing the grant of bail to the petitioner, submit that the complainant is also running a shop, adjoining the shop of the petitioner; that the complainant had given currency notes of smaller denomination to the tune of Rs.32 lakh in good faith to the petitioner for exchanging the same with bigger denomination, but the petitioner had not returned the same, and that an amount of Rs.5000/- had also been recovered from the petitioner.

I have heard the learned counsel for the parties.

Seemingly, there appears to be a money dispute between the parties. There is a delay of about four months in reporting the matter to the police. All the offences are triable by the Judicial Magistrate Ist Class. The petitioner has been in custody since 27.05.2022. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

16.09.2022
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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