

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35194-2021 (O&M)

Date of Decision: 21.01.2022

Parveen

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.K. Garg Narwana, Senior Advocate assisted by
Mr. Vishal Garg Narwana, Advocate, for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.260 dated 05.05.2021, under Sections 406,420,506 and 120B of IPC, registered at Police Station Panipat City, District Panipat.

Mr. S.K. Garg Narwana, learned Senior Advocate with Mr. Vishal Garg Narwana, Advocate has submitted that in the present case the petitioner is in custody from 18.05.2021 and the investigation of the case is already complete and thereafter, challan under Section 173 Cr.P.C has been presented before the competent Court and thereafter, charges have been framed. He further submitted it is a case triable by the Magistrate and the allegations against the petitioner were that he was having a business dealing

with the complainant and both the petitioner and complainant are in the business of jewellery and that when the petitioner went to the shop of the complainant, he took Rs. 30,000/- from him alongwith 40 gm, of gold for the purpose of showing the same to some customer. The learned Senior Counsel further submitted that even as per the FIR itself the petitioner and the complainant were having business dealing and, therefore, at the most, it was a case of a civil dispute. He further submitted that the FIR has been lodged purely on the basis of oral statement of the complainant and there is no other sufficient material available on the record to corroborate the same and the petitioner is facing incarceration from 18.05.2021 and, therefore, he may be considered for the grant of regular bail. The learned Senior Counsel further submitted that the petitioner is not involved in any other case and has clean antecedents. He further submitted that although 4-5 more persons have given a complaint to the police against the petitioner but all those persons were also having business dealing with the petitioner and similar kind of allegations have been made in conspiracy with each other.

On the other hand, Mr. Apoorv Garg, learned Deputy Advocate General, Haryana has submitted that so far as the custody period of the petitioner is concerned, the same is correct. It is also correct that after the investigation of the case a report has been filed under Section 173 Cr.P.C and charges have also been framed. He further submitted that it is also correct that the petitioner is not involved in any other case. However, he has opposed the grant of bail on the ground that the material witnesses are yet to be examined and since it was a case where the petitioner has allegedly duped 4-5 more persons, he may not be granted the concession of regular bail.

I have heard the learned counsel for the parties.

The custody period is not in dispute. The petitioner is facing incarceration for about 8 months and the investigation of the case has already been completed by the police and thereafter, challan has been presented and charges have been framed. As per the FIR itself the case is also triable by Magistrate and as per the FIR itself both the petitioner and the complainant are dealing with the business of jewellery. The petitioner is not involved in any other case and the trial of the case would take some time. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may misuse the concession of bail or may flee from justice.

Therefore, without commenting on the merits of the case and considering the totality of circumstances, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

21.01.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No