

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

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CRM-M-33535-2022

Date of Decision : August 05, 2022

VIKAS

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Dinesh Arora, Advocate and
Mr. Nikhil Vats, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. S.S.Verma, Advocate
for the complainant.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.273 dated 13.6.2022 under Sections 406, 420, 34 and 120-B IPC(Sections 421, 422, 424 IPC added later on), registered at Police Station Meham, District Rohtak.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 6.7.2022. He submitted that as per the allegations contained in the FIR the main accused was one Suresh Kumar who alongwith his family members cheated a large number of people and the petitioner was infact a commission agent but not registered under the law. He further submitted that so far as the role of the present petitioner is concerned the only role attributable to the petitioner is that he had purchased some property from the son of the aforesaid Suresh Kumar and the mere fact that he had purchased 110 sq. yards of land from the son of the main accused cannot draw any inference

that the petitioner was also involved in the business of the main accused, namely, Suresh Kumar and his family members. He submitted that the petitioner himself was rather aggrieved from the conduct of the accused, namely, Suresh Kumar since he had also invested money with the aforesaid Suresh Kumar and in lieu of the same he had issued slips which he had also issued to the large number of people as well and since he was not returning back money, the son of the aforesaid main accused, Suresh Kumar got registered the sale-deed of 110 sq. yards in his name and the petitioner has been falsely implicated. He further referred to Annexure P-2 to show that the petitioner is a disabled person who is 70% disabled and cannot even walk straight and, therefore, he may be considered for the grant of regular bail. He further submitted that one of the other co-accused, namely, Ritu, who is daughter of the aforesaid main accused, namely, Suresh Kumar has been enlarged on bail by the learned trial Court and two other co-accused, namely, Ankit Sharma and Sandeep Sharma have been granted interim bail by this Court.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 6.7.2022. He submitted that the allegation against the petitioner is that he had purchased one plot of 110 sq. yards from the son of the main accused, namely, Suresh Kumar and as per the investigation the petitioner was also involved alongwith the main accused for collection of money. The learned State counsel has not disputed the physical disability of the petitioner.

I have heard the learned counsels for the parties.

The petitioner is in custody from 6.7.2022 and as per Annexure P-2 he is 70% disabled. The allegation contained in the FIR pertains to one Suresh Kumar who alongwith his family members had allegedly taken money on the pretext of investing and doubling the same but so far as the present petitioner is concerned, he is not the relative of main accused, namely, Suresh Kumar and as per the learned counsel for the petitioner the petitioner is himself an aggrieved person and he had

invested the money and in lieu of the same the plot was transferred in his name. All these facts are the subject matter of trial and for that purpose the evidence has to be adduced to prove the same. Therefore, considering the aforesaid facts and circumstances and also the fact that the petitioner is a disabled person of 70%, the petitioner deserves the concession of regular bail. Apart from the same, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of the circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

August 05, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No