

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

203

CRM-M-34268-2022

Date of Decision: 08.09.2022

Parbhat Kumar

...Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Punit Malik, Advocate for the petitioner.

Mr. Samrath Sagar, Additional Advocate General, Haryana.

Sudhir Mittal, J. (Oral)

This is the second petition for grant of regular bail to the petitioner in FIR No.71, dated 19.04.2019 registered at Police Station Rewari Sadar, District Rewari, under Sections 406 and 420 read with Section 34 IPC (Sections 467, 468 and 471 IPC added later on).

The first petition was dismissed vide order dated 23.07.2020 by observing that the petitioner appeared to be the moving force in the gang formed for fleecing gullible citizens by making false promises of getting their children enrolled in the Army.

Learned counsel for the petitioner has submitted that the petitioner has been in custody for more than 2½ years and the trial is not likely to be concluded at an early date as no PW has been examined till date. Co-accused Virender, who is the mastermind has also been granted a regular bail and thus, the petitioner too may be granted regular bail.

Custody certificate dated 07.09.2022 issued by the Deputy Superintendent, District Prison, Gurugram has been handed over in Court. The same is taken on record. A perusal thereof shows that the petitioner has been in custody for 02 year, 06 months and 06 days and there is no other criminal case pending against him.

Learned State counsel opposes the plea of bail by submitting that in fact, the petitioner is the mastermind. It has been so observed in order dated 23.07.2020 also. Even the trial Court has made this observation while rejecting the bail application of the petitioner. The petitioner is a resident of Bihar and in case he is granted regular bail, he is likely to flee. The submission of learned counsel for the petitioner that no PW has been examined till date is incorrect. In fact, four PWs out of 28 PWs have been examined. Keeping in view these facts, the petition deserves to be rejected.

From the aforementioned narration, it is evident that the petitioner has been in custody for 02 years, 06 months and 06 days and there is no other criminal case pending against him, the trial is not likely to be concluded at an early date, even though four PWs have been examined in view of the fact that prosecution witnesses cited are as many as 28.

Thus, keeping in view the length of custody as well as the fact that the trial is not likely to be concluded at an early date, I deem it appropriate to release the petitioner on regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety

bonds to the satisfaction of the trial Court/Duty Magistrate concerned. The petitioner shall furnish local sureties and shall mark his presence before the local Police Station every two months.

(SUDHIR MITTAL)
JUDGE

08.09.2022
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No