

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.209 (2 cases)

Case No. : CRM-M No.38435 of 2021

Date of Decision : September 13, 2022

Mukesh Kumar Petitioner

VS.

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR.

* * *

Present : Dr. Anmol Rattan Sidhu, Senior Advocate
with Mr. Pratham Sethi, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

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NAMIT KUMAR, J. (Oral) :

Petitioner Mukesh has filed the present petition under Section 439 Cr.P.C. *inter alia* with a prayer for grant of regular bail in case FIR No.0029 dated 02.02.2019, under Sections 406, 409, 419, 420, 421, 424, 120-B IPC, 1860, registered at Police Station Kosli, District Rewari (Annexure P-1).

Learned counsel for the petitioner, based on the pleadings, submits that the petitioner was arrested on 06.06.2021. He further submits that the petitioner has been falsely implicated in the present case as the petitioner was a sham Director in the Company for a very short period from 27.02.2017 to 28.07.2018, when he resigned and he was getting salary of Rs.15,000/- per month. He further submits that the co-accused namely Manoj Kumar has been granted the concession of regular bail vide order dated 31.07.2020 (Annexure P-10) passed in **CRM-M No.17549 of 2020**.

Learned State counsel has filed the Custody Certificate of the petitioner, which is ordered to be taken on record. A perusal of the same would show that the petitioner has remained in custody for 01 year 02 months and 27 days as on 06.09.2022.

Learned State counsel submits that charges have also been framed in this case on 22.03.2022 and at present, evidence of prosecution witnesses is under-way and two material witnesses namely Rajesh and Suvidha – complainants have been examined-in-chief, out of 20 prosecution witnesses in all.

Learned counsel for the petitioner submits that the trial is likely to take considerable time to conclude. Hence, the petitioner may be granted concession of regular bail.

Per contra, learned State counsel, while opposing the bail of the petitioner, has submitted that one more case is pending against the petitioner i.e. FIR No.269 dated 25.04.2019, under Sections 406, 420, 120-B IPC, registered at Police Station Sector 7, Faridabad. However, she has not been able to controvert the factual position as noticed above and the fact that the co-accused namely Manoj Kumar has already been granted the concession of regular bail vide order dated 31.07.2020 (Annexure P-10).

To counter the aforesaid contention of learned counsel for the State, learned counsel for the petitioner has submitted that in the aforesaid case, petitioner has already been granted regular bail by the Court of learned Additional Sessions Judge, Faridabad, vide order dated 05.05.2021 (Annexure P-8).

Heard learned counsel for the parties.

Keeping in view the peculiar facts and circumstances of the case, as noticed above, and considering the fact that co-accused of the petitioner namely Manoj Kumar has already been granted the concession of regular bail by this Court vide order dated 31.07.2020 and also the fact that the trial is likely to take some time to conclude, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars.

Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail, to the satisfaction of the concerned Trial Court/Duty Magistrate, subject to his furnishing bail/surety bonds. In addition to the above, the petitioner is directed to deposit security in the form of bank guarantee/immovable property worth approximately Rs.12,00,000/- before the Trial Court/Duty Magistrate.

However, it is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case.

September 13, 2022

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**(NAMIT KUMAR)
JUDGE**

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>