

**223-A IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-35416 of 2022(O&M)

Date of Decision: 16.09.2022

Pankaj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Aman Pal, Advocate
For the petitioner.**

Mr. Vishal Kashyap, AAG Haryana.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 62 dated 22.02.2022, registered under Sections 406, 409, 420, 467, 468, 471 and 120-B IPC, Police Station City Kaithal.

The counsel for the petitioner submits that the petitioner was not named in the FIR and was lateron nominated as an accused on the basis of disclosure made by co-accused Tej Singh, Manager, Central Bank of India Branch Timber Market, Kaithal and Resham Singh. The counsel for the petitioner further contends that no recovery was effected from the petitioner who is in custody for the last more than 04 months. The counsel for the petitioner further submits that the only allegations made against the petitioner are that he used to bring customers before co-accused Tej Singh and Resham Singh who was acting as an agent of said Tej Singh. The

counsel for the petitioner further submits that after completion of investigation police has presented the challan but charges are yet to be framed and thereafter it will take time for the trial to conclude and as such there is no necessity to keep the petitioner in custody for any longer period.

The present petition is contested by the State counsel who submits that Tej Singh and Resham Singh defrauded larger number of persons in connivance with the present petitioner who was acting as their agent. However, the State counsel has not refuted the fact that the petitioner is in custody for the last more than 04 months and after completion of investigation the police has presented the challan.

I have considered the submissions made by counsel for the parties.

In the present case petitioner, Tej Singh and Resham Singh have been arrested by the police. There are allegations that Tej Singh was working as a Manager in a Bank and Resham Singh was acting as his agent and they engaged the present petitioner to bring customers on the pretext of getting sanctioned bank loan in their favour but the loan amount was used by all three of them by defrauding the said customers.

Admittedly, the petitioner is in custody for the last more than 04 months and on conclusion of investigation the police presented the challan against all the three accused but charges are yet to be framed and thereafter it will take considerable time for the trial to complete. All the offences are triable by the Court of Judicial Magistrate Ist Class.

In view of the above, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period. Thus, without expressing any opinion on the merits of the case, instant petition is allowed. The petitioner is ordered to be released on regular bail during the trial on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate concerned.

16.09.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No