

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

CRM-M-42940-2021

Date of Decision: 22.09.2022

Kamal

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Raman Chawla, Advocate, for the petitioner.
Mr. Gaurav Bansal, A.A.G., Haryana.

AMAN CHAUDHARY, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 226 dated 18.05.2021, under Sections 420/406/467/468/471 of the IPC, registered at Police Station City, Hisar.

Learned counsel for the petitioner submits that as per the FIR, the incident is stated to have taken place on 30.04.2021, however, the FIR came to be registered after around 18 days on 18.05.2021. He further submits that there are general allegations against him in the FIR of defrauding the complainant of some articles such as solar panel and batteries etc. which were allegedly purchased by the petitioner, the cheques for the same have been alleged to be forged.

In this regard, learned counsel further submits that neither has the petitioner issued any cheque nor is he the holder of the account from which the cheque, which is purportedly issued to the complainant. It is further submitted that the petitioner has been in custody for the last 01 year and 04 months. He further submits that it is a case of Magisterial trial wherein the charges have yet not been framed and there are a total 12 witnesses and the

trial will take sufficient time.

Learned State counsel opposes the prayer for grant of regular bail to the petitioner. He, on instructions from ASI Anoop Singh, submits that the recovery has been effected from the petitioner and the challan stands presented in Court and he is involved in one more FIR and he was arrested on 19.05.2021.

Heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, particularly, that there are general allegations against the petitioner. He has been in custody for the last 01 year and 04 months; charges are yet to be framed; it is a case of magisterial trial; there are 12 witnesses; the trial is likely to take time and his further detention behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case.

It is, however, clarified that nothing stated hereinabove be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the above observations, which have only been made for the purpose of adjudicating the present petition for grant of bail.

September 22, 2022
nitin

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No