

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

CRM-M-39158-2022

Date of decision: 10.10.2022

Hemant Kumar

.....Petitioner

versus

State of UT Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, Addl.P.P.,
for the respondent-U.T. Chandigarh.

Mr. R.S. Pathania, Advocate
for the complainant.

NAMIT KUMAR, J.

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in a case bearing FIR No.0045 dated 08.04.2022 under Sections 419/420/120-B of IPC (Section 201 of IPC added later on) registered at Police Station North, Sector 3, Chandigarh.

The instant FIR came to be registered on the complaint of Saroj Kumar Tripathy wherein it is reported that he received call from Mobile No.7495060313; 8840384687; 9729190531 and caller influenced him to invest in the following companies [www.glowfreams](http://www.glowfreams.com), www.mlm10.in etc and allured him to double his invested amount in 66 days at the company office at SCO-149/150, 1st Floor, Sector 9, Chandigarh. They took him into the trap. Then complainant transferred a total amount of Rs.42,32,000/- in multi transactions from 19.08.2020 onwards from his accounts in ICICI and SBI Bank. They neither doubled his invested amount nor refunded his duped amount. Later on complainant realized that he has been cheated.

Learned counsel for the petitioner submits that another co-accused, namely, Manjesh Pal has been granted regular bail by the Court of the learned Chief Judicial Magistrate, Chandigarh vide order dated 03.10.2022. He further submits that the challan has already been presented on 16.07.2022; he is in custody since 27.05.2022 and as per custody certificate filed in the Court today, he has undergone sentence of 04 months and 13 days and no other case is pending against him.

He further submits that the matter has been compromised between the petitioner and other co-accused with the complainant vide compromise deed dated 26.09.2022 (Annexure P-3) and it has also been agreed between the parties that petition for quashing of FIR shall also be filed.

Mr. Amit Kumar Goyal, Addl.P.P., for the respondent-U.T. Chandigarh, after seeking instructions from the Investigating Officer, ASI Subhash Chander submits that he has verified the compromise and the same is genuine. He has also filed the custody certificate in the Court and the same is taken on record. Perusal of the same shows that the petitioner is in custody for the last 04 months and 13 days and no other case is pending against him. The learned State counsel does not dispute the above said factual position and also the role of the petitioner.

Heard counsel of both the parties and perused the records.

Keeping in view the period of incarceration and since the challan has already been presented against the petitioner and the likelihood of trial being prolonged, the present petition is allowed. Culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused-petitioner.

Thus, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

10.10.2022
Neha

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No