

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

CRM-M-39482-2022 (O & M)

Date of decision: 06.09.2022

Krishan Kumar

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Naresh Kumar Ganga, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.250 dated 29.10.2021 registered under Sections 420, 465, 467, 468, 471, 474 read with Section 34 and 120-B IPC with Police Station Sadar Ratia, District Fatehabad.

2. The brief facts of the case are that the statement of Tejpal son of Hawa Singh was recorded to the effect that he was an agriculturist. In 2017, Krishan son of Bala Ram (the present petitioner) approached the complainant and asked him if he wanted to join the Army. Based on the said offer, he (complainant) alongwith his uncle-Satyanarayan taking all their necessary documents went to Village Jallopur. At the house of Gurmangat, a demand of Rs.7,00,000/- was made for getting him (the complainant) and his uncle's son, namely, Vikram recruited in the Army. It was stated that 50% of

the amount could be paid now and 50% on obtaining the job. A sum of

Rs.4,00,000/- was paid thereafter and the certificates of the complainant and Vikram were provided to Gurmangat. No job was provided for six months and on their asking, they were told that a sum of Rs.2,50,000/- more was to be given to higher officers. On 16.09.2018, the (the complainant) and his brother-Vikram again gave a sum of Rs.2,50,000/- and were provided a joining letter dated 25.02.2020. Subsequently, a sum of Rs.50,000/- more was demanded. However, no job was provided and on demanding their money back, the accused refused to return the same.

3. The learned counsel for the petitioner contends that the FIR in question was registered more than 03 years after the alleged occurrence and in fact Gurmangat is the main accused. He contends that the petitioner is in custody since 30.11.2021 and only 01 of the 18 prosecution witnesses have been examined so far. The trial is not likely to be concluded anytime soon. The petitioner is a first-time offender without any criminal antecedents, and thus, deserves the concession of bail.

4. The learned counsel for the State, on the other hand, contends that the petitioner is one of the main accused and is the person who initially, induced the complainant, etc. to part with a sum of Rs.7,00,000/-. He, thus, contends that the petitioner does not deserve the concession of bail. He, however, does not dispute the fact that the petitioner is in custody since 30.11.2021 as also the stage of the trial.

5. I have heard the learned counsel for both the parties.

6. Admittedly, the petitioner is in custody since 30.11.2021. The case is triable by the Court of a Magistrate. This Court in the case of **“Maninder Sharma versus State Tax Officer, State Tax, Mobile Wing, Jalandhar, Punjab, (CRM-M-24033-2021 decided on 31.08.2022),** has

contained in Special Acts), in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. In the present case, the petitioner does not have any criminal antecedents. There is nothing to suggest that he will absent or tamper with the evidence if granted the concession of bail. Since only 01 of the 18 prosecution witnesses have been examined so far, therefore, the trial of the case is not likely to be concluded in the near future. Thus, further incarceration of the petitioner is not required.

7. Therefore, without commenting on the merits of the case, the present petition is allowed and the petitioner, namely, Krishan Kumar son of Bala Ram is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 06 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No