

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

(I)

CRM-M-44439-2021 (O&M)

Naresh Kumar @ Bintu

...Petitioner

Versus

State of Haryana

...Respondent

(II)

CRM-M-46336-2021 (O&M)

Kuldeep KD

...Petitioner

Versus

State of Haryana

...Respondent

Date of Decision: 02.09.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Amit Choudhary, Advocate, for the petitioner
in CRM-M-44439-2021.

Mr. Jasdev Singh Thind, Advocate for
Mr. Kulwant Singh Dhanora, Advocate, for the petitioner
in CRM-M-46336-2021.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of aforesaid two petitions filed on behalf of Naresh Kumar @ Bintu and Kuldeep KD respectively, seeking grant of regular bail in respect of a case registered against them vide FIR No.119 dated 30.06.2021 at Police Station Bhattu Kalan, District Fatehabad, under Sections 406/420/120-B IPC.
2. The FIR in question was lodged at the instance of Chhaju Ram, who has

inter alia allged that Sonu, Naresh Kumar @ Bintu and Kuldeep KD

were maintaining an office in the name and style of 'M/s Economic Solar Plant', Krishna Colony, near PNB Bank, Agroha. It has been alleged that about 1¼ month back, the aforesaid persons approached the complainant and introduced themselves as Contractors of Gorakhpur Nuclear Plant, Gorakhpur, Fatehabad and represented that several tractors and dumpers are to be hired by the aforesaid Nuclear Plant on rent basis at the rate of Rs.35,000/- per month and that they had already engaged several tractors/dumpers on the said terms. The complainant, being taken in by the said representation, handed over his tractor/dumper alongwith original documents, bank details and Aadhar card to the aforesaid three persons, who assured that the rent for the tractor/dumper, would be credited in his bank account. A couple of days thereafter the accused also obtained thumb impressions of the complainant on some blank papers. However, on 25.06.2021, when the complainant tried to contact the accused, they could not be contacted on phone. When the complainant visited the Nuclear Plant, he found that his tractor/dumper were not there.

3. It is further the case of the prosecution that in fact the accused had defrauded as many as 18 more persons and in all they had taken 32 tractors/dumpers on the pretext that the same were being taken on rent.
4. Learned counsel for the petitioners have submitted that they have falsely been implicated in the present case. Learned counsel have further submitted that since challan already stands presented, further detention of the petitioners would not serve any useful purpose.

5. Opposing the petition, learned State counsel has submitted that since there are direct allegations in the FIR against the petitioners and the police during the course of investigation has also been able to collect sufficient evidence and that as many as 15 dumpers and 7 tractors had been recovered, the complicity of the petitioners is clearly evident. Learned State counsel has, however, informed that the petitioners as on date have been behind bars since the last more than 1 year and that 1 PW out of cited 38 PWs has been examined. Learned State counsel has further informed that while petitioner Kuldeep KD is not involved in any other case, petitioner Naresh Kumar is involved in 7 other cases.
6. I have considered rival submissions addressed before this Court.
7. Without commenting anything as regards the merits of the case, but while noticing that the petitioners have been behind bars for a substantial period of more than 1 year and that conclusion of trial is likely to consume time inasmuch as only 1 PW out of cited 38 PWs has been examined so far, further detention of the petitioners will not serve any useful purpose. The petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. A photocopy of this order be placed on the connected file.

02.09.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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