

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

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CRM-M-42056-2022

Date of Decision: 19.09.2022

Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Simranjeet Singh, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by Inspector Rajmahender Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered 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 alleged that Sonu (petitioner), 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 petitioner has submitted that he has falsely been implicated in the present case. Learned counsel have further submitted that since challan already stands presented, further detention of the petitioner 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 petitioner and the police during the course of investigation has also been able to collect sufficient evidence and that as many as 5 dumpers and 2 tractors had been recovered, the complicity of the petitioner is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year & 2 months and that 1 PW out of cited 38 PWs has been examined. Learned State counsel has further informed that the petitioner is involved in 4 other cases out of which he stands acquitted in one.

6. This Court has considered rival submissions.
7. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has been behind bars for a substantial period of about 1 year & 2 months 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 petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.09.2022

Vimal

(GURVINDER SINGH GILL)

JUDGE

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

Whether reportable: **Yes/No**