

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

109+223

CRM-35735 of 2022 in/and
CRM-M-42422 of 2022
Date of Decision:20.09.2022

Santu Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vishal Aggarwal, Advocate,
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present is a 3rd petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.12 dated 03.11.2021, under Sections 406, 420, 467, 468, 471, 201 and 120-B of the IPC and Section 3 of Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013, registered at Police Station Cyber Crime, District Hisar.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 22.02.2022 and thereafter the investigation of the case has been completed and report under Section 173 of the Code of Criminal Procedure has been presented to the competent Court. He submitted that the petitioner has clean antecedents and is not involved in any other case. He further submitted that even as per the allegations, the name of the present petitioner was not mentioned in the FIR and names of only two accused namely Amit and Nitin

were mentioned and name of the present petitioner was thereafter nominated on the basis of the disclosure statement. He further submitted that be that as it may the investigation of the case has already been completed and challan has been presented and the petitioner is not involved in any other case. Apart from this, three other co-accused namely Roshan, Sandeep Kumar @ Rupu and Dheeraj Kumar @ Pintu have been granted bail by this Court vide Annexure P-4.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has stated that it is correct that the aforesaid co-accused have been granted bail by this Court and it is also correct that the name of the present petitioner does not find mention in the FIR. He further submitted that the investigation of the case has already been completed. However, he opposed the grant of bail on the ground that there was a recovery of a mobile, ATM and Rs.10,000/- from the petitioner.

I have heard the learned counsel for the parties.

The other three co-accused, whose names were also not mentioned in the FIR, were granted bail by this Court vide Annexure P-4. As per the learned counsels for the parties, challan has already been presented after completion of the investigation of the case. The petitioner is stated to be not involved in any other case. The trial of the case may take long time

In view of the aforesaid facts and circumstances, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

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At this stage, it has been pointed out by the learned counsel for the petitioner that inadvertently provisions of Sections 201 and 120-B of the IPC and Section 3 of Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013, have not been mentioned in the headnote as well as prayer clause of the petition in view of the fact that it was not within the knowledge of the petitioner and has prayed that necessary corrections be made in the headnote as well as in the prayer clause of the petition.

The learned State counsel has stated that he has no objection in case the aforesaid amendment is made in the headnote as well as prayer clause of the petition.

In view of the aforesaid discussion, the application in hand is allowed. and therefore it is directed that Sections 201 and 120-B of the IPC and Section 3 of Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 be deemed to be added in the headnote and the prayer clause of the petition.

(JASGURPREET SINGH PURI)
JUDGE

September 20, 2022

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