

CRM-M-47857-2021

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

CRM-M-47857-2021

Date of decision: 18.05.2022

Naresh Kumar @ Rajesh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ram Karan Agnihotri, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Amit Kumar, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.151 dated 20.03.2020, registered at Police Station Civil Lines Karnal, District Karnal, under Sections 406, 420, 328, 506 and 120-B IPC.

Learned counsel for the petitioner contends that the alleged occurrence took place on 05.10.2019 whereas the above-noted FIR was registered on 20.03.2020 i.e. after a delay of about 05 months; that allegations against the petitioner are that by hatching a conspiracy, he had introduced Satish, father of the complainant, to the persons, who had allegedly found a gold brick while digging the fields; that the matter has been compromised between the petitioner and the complainant and that Satish, father of the complainant has sworn an affidavit (Annexure P-4) in

CRM-M-47857-2021

this regard.

Learned counsel further contends that the petitioner has been in custody since 08.04.2020, and that out of 36 prosecution witnesses, none has been examined so far. So far as other cases registered or pending against the petitioner are concerned, he has since been acquitted in 11 cases whereas has already undergone the sentence in 06 cases. On this premise, learned counsel prays that the petitioner be released on bail .

On the other hand, learned State counsel, while opposing the prayer for the grant of bail to the petitioner, submits that the petitioner was specifically named in the FIR and that the manner in which the petitioner remained associated in the entire transaction, is reflecting of his complicity alongwith co-accused. It is also submitted that in the presence of the petitioner, the brick purported to be made of gold, was exchanged for Rs.86 lakh and recovery of Rs.1 lakh, one car and one mobile phone had been effected from the petitioner.

Learned counsel for the complainant does not dispute the factum of compromise effected between the complainant and the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 08.04.2020. The challan has already been presented. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his

CRM-M-47857-2021

furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

18.05.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No