

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-44349 of 2022

Date of Decision: November 18, 2022

Tribhuvan Parnami

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Girdhar Arora, Advocate and
Mr. Kuljit Singh, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

AMAN CHAUDHARY, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.226 dated 28.05.2019, under Sections 406 and 420 IPC and Section 3 of Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013, registered at Police Station Civil Lines, District Gurugram, Haryana.

Learned counsel contends that the allegations against the petitioner in the present case who is 65 years old are that the complainant had been induced by the petitioner to invest an amount with him in monthly income scheme for which a interest rate higher than being paid by the banks would be paid by the petitioner. He submits that though the principal amount was not refunded by the petitioner due to demonetization and recession in the market. However, he states that the interest component was being paid regularly to the petitioner till September 2017, whereafter the same was discontinued which is so mentioned by the complainant in the FIR. He submits that the petitioner has been in custody for the last more

than three years and though charges were framed on 20.12.2021, out of 65 witnesses, none has been examined. Learned counsel submits that offences involved are triable by Magistrate. Learned counsel for the petitioner further submits that a gazette notification dated 19.12.2018 was issued by Government of Haryana whereby four properties of the petitioner as specified in the said notification were attached by the District Magistrate, Gurugram vide order dated 10.08.2018 to ensure return of deposits, Annexure P-7. He further submits that petitioner has been granted regular bail by this Court in CRM-M-8903-2022, vide order dated 12.05.2022, in view of the petitioner having been in custody about 03 years.

In support of his submissions, he places reliance on the judgments of Hon'ble the Supreme Court of India in **Sanjay Chandra v. CBI** 2011 (4) RCR (Crl.) 898; **Central Bureau of Investigation vs. Ramendu Chattopadhyay** 2020(1) RCR (Crl.) 167; **The State of Bihar and another vs. Amit Kumar @ Bacha Rai** 2017(3) RCR (Crl.) 690, SLP (Crl.) Nos. 4322 and 4324 of 2019 in case of **Union of India vs. Sapna Jain; Nimmagadda Prasad vs. Central Bureau of Investigation** 2013(3) RCR (Crl.) 175 (paras 27 and 29); **Y.S.Jagan Mohan Reddy vs. Central Bureau of Investigation** 2013(3) RCR (Crl.) 108 (paras 14 to 17) and **P.V. Ramana Reddy vs. Union of India** 2019(25) G.S.T.L.185, (para 39 to 46) (Telangana).

Contrarily, learned State counsel submits that huge amount is to be recovered from the petitioner. However, he is unable to controvert the fact that petitioner was arrested on 13.08.2019, though charges had been framed on 20.12.2021, yet only 2 witnesses have been examined, out of 8 and that petitioner has been granted bail by this Court in another similar case vide order dated 12.05.2022.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner who is 65 years of age has been in custody since 13.08.2019; offences are triable by Magistrate; this Court vide order dated 12.05.2022 has granted bail to him in another FIR, on the ground of him having been in custody for about 3 years; 02 out of 08 witnesses have been examined despite the charges having been framed on 20.12.2021; thus the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse his liberty.
7. Any infraction shall entail in withdrawal of the benefit granted by this Court.
8. The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

9. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in that regard.

It is made clear that in case of breach of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

November 18, 2022
rimpal

(AMAN CHAUDHARY)
JUDGE

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