

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

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**CRM-M-44779-2022
Decided on : 30.09.2022**

Raminder Singh

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Randeep S. Dhull, Advocate
for the petitioner(s).

Mr. Vikas Bhardwaj, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Raminder Singh, who has been booked for having committed the offence punishable under Sections 420, 406, 467, 468, 471 of IPC and Section 10 of the Emigration Act, 1983, in FIR No. 156, dated 11.03.2020, registered at Police Station Thanesar Sadar, District Kurukshetra, during the pendency of trial.

At the outset, learned State counsel has filed the custody certificate dated 29.09.2022 in Court today. Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

Learned counsel for the petitioner submits that total dispute in the matter is of Rs.10,90,000/- and out of which Rs.10,00,000/- have already been paid back to the complainant. In this regard, learned counsel for the petitioner refers to the bail order dated 24.09.2021 (Annexure P-5), passed in

the bail petition of co-accused Saloni Saluja, bearing No. CRM-M-37826-2020 (Saloni Saluja Vs. State of Haryana), wherein, contention has been noted that “complaint has admitted that out of total amount, Rs.10,00,000/- has been returned by Vishal and M/s Paul Merchant”. Therefore, it is submitted that now the amount left is Rs.90,000/-.

Learned counsel for the petitioner further submits that the co-accused Saloni Saluja has already been released on bail vide order dated 24.09.2021 (P-5). He further submits that the case in hand is triable by Ld. Magistrate and petitioner is inside jail since 26th October, 2021 i.e. for more than 11 months. He further submits that there are fairly arguable points during the course of the trial showing the innocence of the petitioner. He further submits that further incarceration of the petitioner is not worth in this case.

Per contra, learned State counsel while vehemently opposing the prayer and submissions made by learned counsel for the petitioner, submits that petitioner is an habitual offender and as per the custody certificate, there are several other cases of similar nature against the petitioner.

In response to the aforesaid contention, learned counsel for the petitioner clarifies that his case is on better footings, because his co-accused Saloni Saluja, who has already been granted the concession of bail by the Coordinate Bench of this Court vide order dated 24.09.2021 (P-5) is facing around 35 cases of similar nature.

After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court is of the view that in the case of magisterial trial, accused cannot be kept inside jail for indefinite period. In the present case, petitioner is inside jail for more

than 11 months. Above all, if the contentions addressed by learned counsel for the petitioner is taken to be true on his face value, an amount of Rs.10,00,000/-, out of Rs.10,90,000/- has already gone back to the pocket of complainant/victim. Thus, plea of bail is worth considerable in the present case.

Accordingly, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

September 30, 2022

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No