

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

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CRM-M-49463-2021

Date of decision : 18.01.2022

VISHALDIN MOHAMAD SURANI

..... Petitioner

VERSUS

UT CHANDIGARH

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Viranjeet Singh Mahal, APP, UT, Chandigarh.

(Through video conferencing)

Harsimran Singh Sethi, 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.116 dated 28.06.2021 under Sections 420 and 120-B IPC, registered at Police Station Manimajra, District UT Chandigarh.

Learned counsel for the petitioner argues that the only allegation against the petitioner is that the petitioner had given a call to the complainant and there is no allegation that the petitioner has been benefitted in any manner financially as concededly no amount deposited by the complainant, landed in the account of the petitioner in any manner. Learned counsel for the petitioner further submits that all the allegations are against the co-accused Vishesh Aggarwal, who has already been extended the concession of regular bail as he expressed his intention to discharge his liability. Learned counsel further submits that as the main accused Vishesh Aggarwal has been extended the concession of bail, the petitioner against whom there are no allegations of receiving any money may also be extended the same concession.

Learned counsel for the respondent-UT concedes the factum that

during the investigation, nothing has come on record that the petitioner received any amount stated to have been deposited by the complainant in the account of the co-accused. Learned State counsel also concedes that the co-accused Vishesh Aggarwal has already been extended the concession of regular bail by this Court as he had agreed to discharge his liability of returning the amount to the complainant, which was deposited in his account or in his wife's account.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the petitioner is not the beneficiary of the amount stated to have been deposited by the complainant and the allegation with respect to the call made by the petitioner to the complainant, is yet to be proved during the trial and as as the co-accused Vishesh Aggarwal has already been extended the concession of regular bail, no useful purpose will be achieved in keeping the petitioner behind the bar during the entire period of trial as keeping in view Covid-19, the trial is likely to take some time before it concludes.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

(HARSIMRAN SINGH SETHI)
JUDGE

18.01.2022

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Whether speaking/reasoned	Yes
Whether Reportable :	No