

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

1. CRM-M-49622-2021

Date of Decision: 27.04.2022

Manoj Kumar

...Petitioner

Versus

State of Haryana

...Respondent

2. CRM-M-1906-2022

Vinod Kumar

...Petitioner

Versus

State of Haryana

...Respondent

3. CRM-M-2420-2022

Arjun Tak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Deepak Vashishth, Advocate
for the petitioner in CRM-M-49622-2021.

Mr. Abhinav Sood, Advocate
for the petitioner in CRM-M-1906-2022.

Mr. Keshav Pratap Singh, Advocate and
Mr. Anmol Puri, Advocate
for the petitioner in CRM-M-2420-2022.

Mr. N.S.. Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J.(ORAL)

1. The present three petitions have been filed under Section 439 of
the Code of Criminal Procedure for grant of regular bail to the petitioners in

FIR No.100, dated 07.04.2021 under Sections 420 and 406 of IPC, 1860

(Sections 467, 468, 471, 201 and 120-B of IPC, 1860 added later on) registered at Police Station Chandhat, District Palwal, Haryana. Since all these three petitions arose from the same FIR, the same are being taken up together for final disposal with the consent of learned counsel for the parties.

2. The allegations as per the prosecution in the present case were that the complainant namely Umesh Kumar had lodged a complaint before the police by stating that he received a phone call with regard to offer of an appointment for his job and thereafter money was transferred from his account in the account of one Sintu Kumar. Thereafter the said amount was further transferred in the account of one Divya Chawla. It was thereupon during the investigation that the names of all the three petitioners were nominated on the basis of the disclosure statement and as per the FIR, various envelopes, SIM cards and computers were recovered from them on the basis of their disclosure statements. Learned counsel for the petitioner in Vinod Kumar's case has stated that the petitioner is in custody from 15.06.2021, learned counsel for the petitioner in Manoj Kumar's case has stated that the petitioner is in custody from 07.07.2021 and learned counsel for the petitioner in Arjun Tak's case has stated that the petitioner is in custody from 11.06.2021. They have submitted that the investigation of the case has already been completed and thereafter challan has been presented before the competent Court under Section 173 of Code of Criminal Procedure and thereafter charges were framed. After framing of the charges, total 8 prosecution witnesses have been examined and even the complainant has also been examined, who has turned hostile. They have further submitted that the present case is triable by the Magistrate and no further recovery is to be effected from the petitioners.

3. All the learned counsel for the petitioners has further submitted that it is a case where even as per the FIR, the money was transferred in the

name of Sintu Kumar which was thereafter in the name of one Divya Chawla but both the aforesaid two persons who have been named in the FIR and specific role has been attributable, have not been arrayed as an accused in the FIR and the present case has been planted upon the petitioners. They have further submitted that the three petitioners also got falsely implicated in similar kind of three more FIRs in which the allegations were also similar pertaining to transfer of money in the name of aforesaid Sintu Kumar and Divya Chawla and in those FIRs also, those two persons have not been arrayed as an accused and the petitioners have been implicated on the basis of the disclosure statement and in all those cases, the petitioner-Vinod Kumar is on bail. They have submitted that in view of the aforesaid position, the petitioners may be considered for the grant of concession of regular bail.

4. On the other hand, learned State counsel has submitted that it is correct that the petitioners are in custody from the dates as mentioned above and it is also correct that the investigation of the case has been completed and after framing of the charges, the complainant namely Umesh Kumar had deposed and turned hostile. He has however opposed the bail to the petitioners on the ground that the matter involves conniving with the accused for extracting money from different persons on the pretext of job.

5. I have heard the learned counsel for the parties.

6. It is a case where the petitioners are in custody for about 8-9 months and investigation of the case has been completed and the case is triable by the Magistrate. As per the learned counsel for the parties, no further recovery is to be effected from the petitioners. The persons who have been mentioned in the FIR and as per the learned counsel for the parties in whose names, the money was transferred have not been arrayed as an accused in the present case. On a specific query put to learned State counsel as to what was

the reason for that, the learned State counsel has not been able to answer the same. So far as the pendency of other cases of similar nature against the petitioners are concerned, it has been argued by learned counsel for the petitioners that in those cases as well the main accused were the aforesaid two persons namely Sintu Kumar and Divya Chawla and the petitioners were named only on the basis of disclosure statement and in those cases also, the aforesaid two persons were not arrayed as an accused. It is also the case of the learned counsel for the petitioners that no further recovery is to be effected from the petitioners. Apart from the same, it is not the case of the State that in case, the petitioners are released on bail, then they may abscond or may influence any witness or may tamper with any evidence or repeat the offence.

7. Therefore, considering the totality of facts and circumstances of the present case, this Court deems it fit and proper to grant bail to all the three petitioners. Consequently, the present petitions are allowed and the petitioners shall be released on bail on their furnishing adequate bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

8. It is made clear that the aforesaid observations would not mean anything on the merits of the case, as the same are only for the purpose of deciding the present petitions.

(JASGURPREET SINGH PURI)
JUDGE

April 27, 2022
Manpreet

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