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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.52232 of 2021 (O&M)

Date of decision: 30.03.2022

Vishal Maan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Bairagi, Advocate for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.318 dated 12.03.2020, for offence punishable under Section 10 of the Immigration Act, Sections 406, 420, 506 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station City Thanesar, District Kurukshetra.

Counsel for the petitioner has relied upon the order dated 25.01.2021 passed in CRM-M No.2697 of 2021, vide which the co-accused of the petitioner namely Saloni Saluja was granted the concession of regular bail.

Counsel for the petitioner has argued that as per the allegations in the FIR, the complainant has transferred Rs.7.50 lacs for sending his son abroad, in the account of the co-accused Saloni Saluja, who has further transferred it, in the account of the co-accused Ravinder. It is further submitted that though the petitioner is involved

in number of other FIRs, however, the custody of the petitioner in this case is 01 year, 09 months and 20 days and the offences are triable by the Court of Magistrate and it will take long time in conclusion of the trial. Lastly, it is argued that challan has been presented, however, charges are yet to be framed and only thereafter, the prosecution evidence will be recorded and there are 15 PWs in the case.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position, however, the Custody Certificate reflects that the petitioner is involved in number of other cases of similar nature.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year, 09 months and 20 days; the co-accused of the petitioner is already released on bail; the custodial interrogation of the petitioner is not required; challan stands presented; charges are yet to be framed and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

30.03.2022

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No