

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-51904-2021(O&M)
Date of Decision: 17.02.2022

Brijendera Kumar @ Vishnu Bohre

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr. Manoj Kumar Pundir, Advocate for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

Mr. Bijender Dhankar, Advocate for the complainant.

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HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.161 dated 22.03.2021, under Sections 406, 420, 34 IPC (later on Sections 506 and 120-B were added and Section 34 IPC was deleted), registered at Police Station Kundli, District Sonapat, Haryana.

FIR was lodged on the complaint of one Jaideep Tushir. The allegations are of committing a fraud with the complainant and receiving an amount totalling Rs. 1,17,00,000/- lacs by the accused namely, Ram Chander Bohre, Vishnu Bohre (petitioner), Dasrath Bohre, Mahesh Khare and Sukriti Khare from the complainant. Petitioner is the brother of Ram Chander Bohre; Dashrath Bohre is the father of the petitioner; Mahesh Khare and Sukriti Khare are allegedly known to the accused. The allegations are that Ram Chander Bohre is the priest in the Village of the complainant. He used to perform religious functions for the family of the complainant since the time of his grand father. The allegations are that on the asking of

Ram Chander Bohre, the amount totalling to Rs. 1 Crore 17 lakh was transferred to the accounts of the petitioner and other accused purportedly to enable Ram Chander Bohre to purchase land in the name of the complainant. The transactions took place between the year 2010-2016.

Learned counsel for the petitioner has contended that the petitioner is being implicated only because he is the brother of Ram Chander Bohre. The only allegation against the petitioner is that an amount of Rs. 6 lacs was transferred into his account by the complainant in the year, 2014. Further an amount of Rs. 15 lacs was handed over to the petitioner and his brother Ram Chander Bohre in the year, 2016. He states that during investigation no material has come forth that any amount was transferred in his account. He states that the investigation in the case is complete. The report under section 173 Cr.P.C. was filed on 04.08.2021. Even the charges have been framed on 23.09.2021. Petitioner is in custody since 06.06.2021. Co-accused of the petitioner namely, Dasrath Bohre against whom also similar allegations have been levelled was granted the concession of anticipatory bail by this Court vide order dated 18.06.2021 (Annexure P-3).

In view of the fact that the investigation in this case is complete and the co-accused of the petitioner has already been granted the concession of anticipatory bail and the fact that the trial is unlikely to conclude in near future more so in the wake of outbreak of pandemic COVID, no useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is allowed.

Petitioner-Brijendra Kumar @ Vishnu Bohre be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court concerned.

February 17 , 2022

(HARINDER SINGH SIDHU)

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JUDGE

Whether Speaking / Reasoned	Yes/No
Whether Reportable	Yes / No