

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

CRM-M-53462-2021 (O&M)

Date of decision: 14.07.2022

Shubham Khidbide

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Arun Luthra, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.30 dated 21.01.2021 registered under Sections 406 and 420 IPC and Sections 467, 468, 471, 201, 120-B and 384 IPC (added subsequently) and Section 69-D of the Information Technology Act, at Police Station City Thanesar, District Kurukshetra.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the name of the petitioner was not mentioned in the FIR, but he was indicted in the present case on the disclosure statement of the co-accused; that in the FIR, the name of the petitioner was mentioned as Rajiv Kumar, whereas his actual name is Shubham Khidbide; that the alleged recovery has already been effected from

the petitioner during the course of investigation and that the petitioner has been in custody since 05.07.2021.

Learned counsel for the petitioner further contends that charges stand framed and, therefore, neither the petitioner is required for the investigation nor can he influence it; that no further recovery is required to be made from the petitioner and that co-accused Mayank Pujari has already been granted regular bail by Coordinate Bench vide order dated 21.04.2022. He further draws the attention of this Court towards the zimni orders indicating that the application for exemption preferred by the accused have been allowed by the trial Court.

On the other hand, learned State counsel, while opposing the prayer for the grant of bail to the petitioner, submits that the petitioner along with the co-accused defrauded innocent job seekers; that an amount of Rs. 1,10,000/- and other articles/equipments were recovered from him. However, he does not dispute the custody period of the petitioner. He submits that out of 29 prosecution witnesses, none has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 05.07.2021. The recovery has already been effected. The petitioner has been involved on the basis of disclosure statement of the co-accused. Co-accused have already been granted bail. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the

merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

14.07.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No