

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

236

CRM-M-54711 of 2022
Date of Decision:01.12.2022

Chandrakant Rana

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. A. S. Siroha, Advocate,
for the petitioner.

Mr. S. K. Dagar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.608 dated 17.06.2022, under Sections 419, 420, 467, 468, 471 IPC (Section 201 and 120-B IPC added later on), registered at Police Station Shahabad, District Kurukshetra.

It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and he is in custody from 23.06.2022, which is more than 5 months. He submitted that it is a case where as per the allegations the complainant lodged an FIR by stating that he received a

telephone call from somebody who himself purported to be an officer of Insurance Regulatory and Development Authority of India (IRDAI) and told him that since the LIC policy of his sister has matured which is of the amount of Rs.80,00,000/- and in case he gives the requisite fee etc. then the same can be taken by him on maturity. As per the FIR, the complainant acting upon the telephone call, gave Rs.16,00,000/- on different occasions which were transferred in the bank accounts, so that the maturity amount can be released. He submitted that the FIR on the face of it seems to be false and frivolous and also improbable and unnatural. He submitted that the LIC offices are situated at every small place in the country and if an individual policy has matured then the method for redeeming the money is to approach the concerned LIC office and under no probability can any person give Rs.16,00,000/- to an unknown caller for getting Rs.80,00,000/- on the maturity of the insurance policy which he is otherwise also lawfully entitled. He further submitted that even otherwise also no amount at all has been transferred in any of the account of the petitioner and he was not beneficiary of any of the amount. He also submitted that the police has completed the investigation and the final report under Section 173 of the Code of Criminal Procedure has already been submitted to the competent Court and the present case is triable by the Magistrate and trial of the case may take long time and therefore the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. S. K. Dagar, learned DAG, Haryana has stated, on instructions from the police official who is present in Court, that so far as the custody part of the petitioner is concerned, the same is correct and it is also correct that the police has completed the investigation in the present case and the challan

stands presented in the competent Court and the present case is triable by the Magistrate. He has however opposed the grant of regular bail to the petitioner on the ground that although the money was not deposited in any of the accounts of the petitioner but the phone number of the petitioner was registered in the account in which the money was transferred.

At this stage, learned counsel for the petitioner submitted that the mobile phone which was registered in the account number of the co-accused, was for the purpose of getting UPI payments since he is a contractor and is involved in engaging labour and for the purpose of digital transaction his mobile number was given, but no money has been received in any of the accounts of the petitioner so far as the present Rs.16,00,000/- is concerned.

I have heard the learned counsel for the parties.

It is a case where the petitioner is stated to be in custody from 23.06.2022 and the police has already completed the investigation and the challan has been presented before the competent Court and the present case is triable by the Magistrate. It has been specifically stated by the learned counsel for the petitioner that the petitioner has not received any amount in his bank account. This factual position has not been disputed by the learned State counsel but the objection which was taken by the learned State counsel was that the phone number of the petitioner was registered in the bank account which received the money. The aforesaid factual position is subject to adducing of evidence at the time of trial. The present case is stated to be triable by the Magistrate and the trial of the case may take long time. Furthermore, it is not the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail,

then he may abscond from justice or he may influence any witness.

In view of the aforesaid facts and circumstances, the present petition is allowed. The petitioner shall be released on regular bail if not required in any other case subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expresion of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

December 01, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No