

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

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**CRM-M-2345-2023 (O&M)
Date of decision: 23.01.2023**

Mukesh Tanwar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Siddharth Dave, Advocate and
Mr. Kartik Sandal, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 358 dated 08.09.2018, registered under Sections 120-B, 406, 420, 467, 468, 471, 34 IPC, Sections 4, 5, 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 and Section 3(2) of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013, at Police Station Sadar Fatehabad, District Fatehabad.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR, he was indicted in the present case on the disclosure statement of co-accused, namely, Surender Kumar, who has already been granted the concession of regular bail vide order dated 09.01.2023; that the petitioner has been in custody since 16.04.2019 and as far as another FIR No. 859 dated 09.09.2018 at Police Station City Hisar, against the petitioner is concerned, the same was registered on the very next day of the registration of the present FIR and he is on bail in that case; that except these cases, the

petitioner is not involved in any other case and that co-accused Radhey Shyam, Bansilal, Anish Jangra, Rajpal and Surender Kumar have already been enlarged on bail vide order dated 09.01.2023 passed by a Coordinate Bench.

Learned counsel for the petitioner further points out that vide order dated 04.11.2022, the Hon'ble Supreme Court has granted the concession of regular bail to Radhey Shyam relating to his trial pending at Madhya Pradesh and that the Hon'ble Supreme Court vide order dated 06.05.2022 while declining bail to the petitioner has issued direction to the learned trial Court to expedite the trial and to dispose of the same as expeditiously as possible preferably within one year from date, but till date only 22 prosecution witnesses, out of 680 have been examined.

Learned State counsel, while vehemently opposing the prayer for bail, submits that there are serious and specific allegation against the petitioner that he was the promoter, whereas Radhey Shyam is the Chief Managing Director and Bansilal is the Managing Director, of the company and have collectively cheated the innocent persons to the tune of Rs. 2900 crore, on the strength of a false promise of giving them double the return of their investment in a period of two years. The final report was submitted on 13.12.2018 but subsequently four supplementary reports were also submitted between January-2019 to November-2019 and the charges were framed on 29.11.2022. However, she does not dispute the custody period of the petitioner. She submits that out of 680 prosecution witnesses, 22 have been examined and 25 have been summoned for 25.01.2023.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 16.04.2019. The

petitioner was not named in the FIR, his named was involved after 07 months of the registration of the FIR in question on the disclosure statement of co-accused Surender Kumar, who has already been enlarged on regular bail. Other co-accused have also been enlarged on bail. Remaining 658 prosecution witnesses are yet to be examined. As far as another FIR against the petitioner is concerned that was registered on the very next day of the registration of the present FIR, he is on bail. Vide order dated 06.05.2022 passed by the Hon'ble Supreme Court, the learned trial Court was directed to expedite the trial and to dispose of the same as expeditiously as possible preferably within one year from date, but till date only 22 prosecution, out of 680 have been 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

23.01.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No