

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M-10957-2023 (O&M)
Date of decision: 01.08.2023

RAHUL PRASAD

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. SPS Khaira, Advocate and
Mr. Kunal Choksi, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.441 dated 31.12.2019, registered at Police Station Sushant Lok, District Gurugram, under Sections 419, 420, 467, 468, 471 and 120-B IPC. The earlier bail petition was withdrawn on 07.12.2022.

At this stage, Mr. SPS Khaira, Advocate and Mr. Kunal Choksi, Advocates, appear and file power of attorney on behalf of the petitioner in the Court with 'no objection' from the earlier counsel, the same is taken on record.

As per the allegations, the petitioner in connivance with the co-accused got impersonated Kavita Rani as Riya Sehgal and got introduced her with other co-accused, and the petitioner got recovered Rs.5000/-.

Learned counsel for the petitioner contends that as per the case

of the prosecution, the FIR was registered on the application of Rajiv Kaul, who is residing in Qatar for the last 11 years, alleging that his plot has been sold to someone on his behalf by preparing false documents and impersonating him; that the only allegation against the petitioner is that he has introduced co-accused Riya Sehgal to other gang members, whose actual name is Kavita Rani, who is now in custody; that the petitioner has been in custody since 05.02.2021 i.e. 02 years and 05 months; that recovery of Rs.5,000/- has been effected from the petitioner; that charges have been framed but out of 17 prosecution witnesses, none has been examined so far and that out of two other cases of similar nature, the petitioner is on bail in one case.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the crime and is a habitual offender and the plot in question was sold by using forged documents and impersonating Kavita Rani as Riya Sehgal and the amount of Rs.1.5 crores was distributed among the gang members. When the petitioner was arrested, he was in the process of leaving the Country and was arrested from the Airport. However, he does not dispute the custody period of the petitioner. He submits that out of 17 prosecution witnesses, none has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 05.02.2021 i.e. more than 02 years and 05 months. The recovery has already been effected and co-accused Riya Sehgal @ Kavita Rani is in custody. The prosecution witnesses

are yet to be examined. Therefore, the conclusion of the trial would take a long 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

01.08.2023
Mangal Singh

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