

CRM-M-13577-2023**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-13577-2023****Date of decision: 20.07.2023**

Surender Malik

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sandeep Singh Jattan, Advocate for
Mr. Ramesh Chahal, Advocate,
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks regular bail in case FIR No.129 dated 25.04.2019, registered at Police Station Sector 17, Faridabad, District Faridabad, under Sections 406 and 420 IPC and Sections 323, 379-B, 506, 120-B and 411 IPC (added later on).

2. Status report dated 13.07.2023 by way of affidavit of the Assistant Commissioner of Police, Crime, Faridabad, filed in the Registry, is taken on record.

3. Learned counsel for the petitioner contends that as per the prosecution version, after having been allured by the petitioner and some of the co-accused, the complainant gave money to co-accused, Rajesh @ Candy Baba to purchase gold, which had been returned by adding the profit of Rs.1 lakh therein; that thereafter again, the complainant gave a substantial amount to the accused, but they had neither delivered gold nor

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returned the money and that co-accused Rajesh @ Candy Baba also gave a post-dated cheque amounting to Rs.1.40 crore to the complainant, but the same had been snatched from the latter at gun-point.

4. Learned counsel for the petitioner further contends that the petitioner has falsely been implicated in the present case; that recovery of post-dated cheque had allegedly been effected from co-accused Rajesh @ Candy Baba; that even the allegation of threatening the complainant are against co-accused Rajesh @ Candy Baba. It is further submitted that the petitioner was not in direct touch with the complainant. It is further submitted that the petitioner has been in custody since 05.08.2022; that the prosecution witnesses are yet to be examined; that co-accused, namely, Sakshi Ahuja, Naresh Dhanda and Paras Jain have already been bailed out by learned Addl. Sessions Judge, Faridabad; that vide order dated 21.11.2022 passed by this Court in CRM-M-40516-2022, co-accused, namely, Raghubir @ Kala @ Raghbir has since been granted the concession of regular bail and that on the ground of parity, the petitioner is also entitled to be released on bail.

5. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner submits that the petitioner was an active member of gang run by Rajesh @ Candy Baba and that are specific allegations against the petitioner that he alongwith the co-accused had cheated the complainant. It is further submitted that recovery of Rs.1 lakh had been effected from the petitioner and that material prosecution witnesses are yet to be examined.

6. I have heard the learned counsel for the parties.

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7. Though there are specific allegations against the petitioner and recovery of Rs.1 lakh had been effected from him, yet the fact remains that recovery of post-dated cheque had been effected from co-accused Rajesh @ Candy Baba. The petitioner has been in custody since 05.08.2022. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. As stated above, co-accused, namely, Sakshi Ahuja, Naresh Dhanda, Paras Jain and Raghubir @ Kala @ Raghbir have since been granted the concession of regular bail. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

8. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

20.07.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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