

CRM-M-14428-2023

2023:PHHC:044652

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221 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14428-2023

Decided on:-27.03.2023

Vikas Kumar

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Raghav Sharma, Advocate for the petitioner.

Mr. R.K. Ambavta, AAG, Haryana.

HARKESH MANUJA J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail pending trial in case FIR No.244 dated 07.05.2022, under Sections 406 and 420 IPC (Section 10 of Immigration Act added later on), registered at Police Station Kurukshetra University, Kurukshetra.

As per the allegations, the petitioner along with few others cheated the complainant for an amount of Rs.7,50,000/- on the pretext of sending his son to Portugal.

Learned counsel for the petitioner submits that the petitioner is in custody for the last 04 months and 05 days now and the investigation in the present case already stands concluded with the filing of challan on 20.01.2023 followed by framing of charges on 27.02.2023, thus, trial is likely to take some time.

On the other hand, learned State counsel opposes the prayer

made herein while submitting that there are serious allegations against the petitioner.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

Considering the fact that the investigation already stands concluded with the filing of challan followed by framing of charges and the trial being likely to take some time, no useful purpose is going to be served by extending the incarceration of the petitioner any further, who is behind the bars for the last 04 months and 05 days. Moreover, in order to show his bonafide, the petitioner is ready to deposit Rs.1.50 lakh within a period of three weeks from today in the name of the complainant before the trial court, which shall be disbursed to the complainant against some surety, to the satisfaction of the trial court.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

27.03.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No