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

CRM-M-17077-2023 (O&M)
Decided on : 11.04.2023

Yogesh Kandhari

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Manish Soni, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.62 dated 27.02.2020 under Sections 406, 420 and 120-B IPC (Section 180 IPC added later on) registered at Police Station Kherki Daula District Gurugram.

Learned counsel for the petitioner *inter alia* contends that the petitioner, who was arrested on 13.03.2020, was released 28 days thereafter on account of the outbreak of pandemic Covid-19 in compliance of the administrative orders passed by this Court. Learned counsel has further submitted that the innocence of the petitioner is fortified from the fact that the investigation was carried out by high ranking officials, who too did not find any involvement of the petitioner in the crime in question. Learned counsel further submits that even the settlement/agreement dated 22.08.2015 and 22.10.2015 vide which Rs.5,45,60,000/- was to be given by the main accused persons

namely Vivek Seth and Vijesh Goyal to the complainant and vide which M/s Vostok Infrastructure LLP had agreed to pay 6 EMIs w.e.f. 20.10.2015 of Rs.33,40,000/- each, had no concern with the petitioner as it was a matter of record that the petitioner was not even a party to the said settlement much less being a signatory to any of the above agreements. Learned counsel has further urged that the petitioner had no interest in the financial dealings and there was no financial transaction between him and the complainant. Learned counsel has still further urged that investigation is complete and the challan stands presented before the trial Court. The petitioner had subsequently also approached this Court by way of CRM-M-47760-2021 for quashing of the FIR in question and this Court vide order dated 15.11.2021(Annexure P-10) had not only issued notice of motion but had also stayed proceedings before the trial Court qua the petitioner. It has also been submitted that the main accused had already been enlarged on bail by this Court.

Per contra learned State counsel while opposing the prayer and submissions made by counsel opposite has not been able to controvert that the investigation is complete and challan stands presented. Learned State counsel is also not able to controvert that in CRM-M-47760-2021, this Court had stayed proceedings qua the petitioner.

Heard learned counsel for the parties and perused the relevant material on record.

In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has also approached this Court for quashing of the FIR in question against him and proceedings qua him have been stayed

before the trial Court, no useful purpose would be served in his further incarceration/sending him behind bars.

Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

11.04.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No