

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-20070-2023

Date of Decision: 22.5.2023

Tinku

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Balraj Gujjar, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.256 dated 21.5.2017 registered for the offences punishable under Sections 201, 379, 420 IPC at Police Station City Mohindergarh, District Mohindergarh.

2. The allegations in nutshell are that Bahadur Singh and his daughter Ritu had gone to ATM in the area of Cinema Road, Mohindergarh to withdraw certain amount and when they were operating ATM, two unknown person were also present there and they fraudulently exchanged ATM card which the daughter of the complainant was having with her and thereafter, amount of ₹ 80,000/- was withdrawn from the bank account of the complainant. Later on, one Suresh Kumar was arrested who made disclosure against the present petitioner and thereafter, the petitioner was arrested on the basis of the disclosure statement and CCTV footage on

25.5.2022.

3. Counsel for the petitioner submits that FIR in this case was registered against unknown persons and the petitioner is falsely implicated and is incarcerated for the last about 1 year and that the petitioner is enlarged on bail in all other criminal cases faced by him. He further submits that in compliance of previous order, the complainant and his daughter are already examined during trial but it will take considerable time for the trial to conclude. So, prayer is made that the present petition be allowed.

4. Present petition is resisted by the State counsel who filed status report by way of affidavit of Ranbir Singh, DSP, Mahendergarh on behalf of the State along with custody certificate (Annexure R-1) and copies of statements of Ritu and complainant-Bahadur Singh (Annexures R-2 and R-3 respectively). State counsel further submits that the petitioner was identified in the CCTV footage and thereafter arrested and even during trial, both the material witnesses have identified the petitioner while appearing in the witness box. However, the State counsel has not disputed the fact that the petitioner is in custody for the last about 12 months and it will take considerable time for the trial to conclude.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, all the offences are triable by the Court of Judicial Magistrate, 1st Class and FIR in this case was registered against unknown persons and later on, the petitioner was impleaded as accused and resultantly, arrested on 25.5.2022. After completion of investigation, the police has presented the challan. The complainant and his daughter are examined during trial. In the given circumstances, there is no apprehension

that if released on bail, the petitioner is going to influence the material witnesses. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 22, 2023
Paritosh Kumar

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