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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-25598-2023 and
CRM-29651-2023 in/and
CRM-M-21924-2023 (O&M)
Date of decision: 27.07.2023

Tilak Raj

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON’BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Sanjay Verma, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Vikram Rana, Advocate for the complainant.

ARUN MONGA, J. (ORAL)

CRM-25598-2023

Application is allowed, as prayed for.

Annexure R-1 is taken on record, subject to all just exceptions.

Main case

Custody certificate of the petitioner has been tendered in Court by learned State counsel, which is taken on record.

2. Petitioner seeks bail in criminal case bearing FIR No.480 dated 24.11.2022, registered under Sections 420, 406, 506 and 120-B of the Indian Penal Code, 1860 (for short ‘IPC’) and Section 12 of Chit Funds Act, 1982 at Police Station, Sadar Pehowa, Kurukshetra.

3. Prosecution case, in brief, is that accused Sachin, son of petitioner-Tilak Raj and other family members have duped the complainant’s brother, working in Lebanon. He was induced to invest Rs.1.68 crores in an interest scheme on a false promise to get high returns.

4. Learned counsel for petitioner submits that petitioner has been falsely implicated in the present case. His role, if at, is that he is father of the main accused-

Sachin. Other than that he has no connection with the alleged financial transactions. He

submits that there is no specific allegation against the petitioner. Fourteen persons were though named in the complaint, just to create pressure, but the FIR was registered against seven persons including the petitioner and his wife. He further urges that co-accused/wife of the petitioner has already been granted concession of interim anticipatory bail vide order dated 06.04.2023 (AnnexureP-3).

4.1. He further submits that petitioner has already disowned his son, namely, Sachin from his property and there is not even an iota of evidence available to show that the amount has been transferred by his son in his account. He further submits that FIR was registered after a delay of more than two years and four months as incident took place in July-2020 and FIR was registered on 24.11.2022. All the offences mentioned in the FIR are triable by Magistrate. No other case is pending against the petitioner. He further submits that petitioner is in custody since 28.03.2023 and challan has already been presented before the competent Court. Charges are yet to be framed. No recovery is to be effected from the petitioner. Custodial interrogation of the petitioner is not required.

5. On the other hand, learned State counsel, assisted by learned counsel for complainant, opposes the bail petition. He submits that huge amount is involved in this case. There are serious allegations against the petitioner. Incase petitioner is granted concession of bail, there are chances of his fleeing. However, he admits that no other case is pending against him.

6. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

7. Challan is stated to have been presented and charges are yet to be framed. Investigation is thus complete *qua* petitioner, he is thus not required for custodial interrogation. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Allegations against petitioner are a matter of trial at this stage. Commencement/conclusion of the trial is likely to take quite sometime. Whereas petitioner has already been languishing in jail for the past about four months in preventive custody, he being behind bars since 28.03.2023.

8. Petitioner is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/ or influence witnesses. There is no probability of tampering with evidence as the same has already been seized by the investigating agency.

9. Petitioner is stated to be 57-year old family man. He is the only bread winner of his family, which is living in sheer penury in his absence. Being a family man with clean antecedents, it is unlikely that he is flight risk or will flee from the trial proceedings. Offence allegedly committed by petitioner is of non-violent nature and in that sense his release on bail is not a threat to the society at large by committing any violent crime.

10. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

11. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Magistrate, as the case may be.

12. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

13. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned Trial Court shall proceed without being influenced with this order.

14. Pending application(s), if any, shall also stand disposed of.

CRM-29651-2023

This is an application for grant of interim bail to the petitioner during pendency of main petition.

In view of detailed order of even date passed in main petition, instant application is rendered infructuous.

CRM stands disposed of having been rendered infructuous.

(ARUN MONGA)
JUDGE

27.07.2023
vandana

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