

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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1. CRM-M-23545-2022

Ram Lal Chaudhary

.... Petitioner

Versus

U.T. Chandigarh

.... Respondent

2. CRM-M-46773-2022

Amit Kumar @ Ammu

.... Petitioner

Versus

State of U.T. Chandigarh

.... Respondent

Date of Decision: 11.01.2023

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Prateek Gupta, Advocate for the petitioner
(in CRM-M-23545-2022).

Mr. K.P. Singh, Advocate for the petitioner
(in CRM-M-46773-2022).

Mr. Rajeev Anand, Addl. P.P., for U.T. Chandigarh.

ASHOK KUMAR VERMA, J. (ORAL)

By this common order two afore-mentioned petitions are being disposed of since prayer in both the petitions is for grant of regular bail under Section 439 Cr.P.C. to the petitioners, namely, Ram Lal Chaudhary and Amit Kumar @ Ammu, in case FIR No. 182 dated 17.11.2021 registered under Sections 420 and 120-B IPC at Police

Station South Sector-34, Chandigarh. For brevity, the facts are being extracted from CRM-M-23545-2022.

Put pithily, on 17.11.2021 complainant-Naresh Kumar, moved a complaint before the police alleging therein that he is a retired District Revenue Officer. While posted at Rewari, he be friend with one Advocate Satish Yadav. Complainant then remained posted as DRO, Panchkula, where he learnt that Vigilance Department had received a complaint in February, 2012, regarding bungling of Rs.250 crores State Fund and inquiry was going on. Complainant was apprehending lodging of FIR against him. Aforesaid Satish Yadav, Advocate came to his rescue and informed that one of his friend, namely, Bhoop Singh, who further has links with petitioner-Ram Lal (in CRM-M-23545-2022). Latter has links with politicians and officials and he can save the complainant in the said FIR. Accordingly, petitioner-Ram Lal was approached by the complainant in May, 2015, who sought Rs.6,00,00,000/- assuring that name of the complainant will be dropped from the FIR. The complainant sold one plot of his mother and paid Rs.3,00,00,000/- to petitioner-Ram Lal, but the FIR was registered against the complainant by Vigilance Department. The complainant again approached the petitioner who sought the remaining amount for dropping the name of complainant from the proceedings. Thereafter, the complainant sold another plot in the name of his wife and raised some loan also and paid the remaining amount to petitioner-Ram Lal, yet he could not escape the FIR, rather the FIR was transferred to CBI. Neither the petitioner returned the aforesaid amount of Rs.6,00,00,000/- to the

complainant nor saved him from the FIR. Accordingly, the present FIR was registered against petitioners.

Learned counsel for petitioners, *inter alia*, submit that there is no source of income of Rs.6,00,00,000/- paid by the complainant to the petitioners. The present FIR was registered only for the purpose of recovery of aforesaid amount of Rs.6,00,00,000/- which was allegedly paid by the complainant five years back i.e. in the year 2015 and the same would be an abuse of the process of law because the proper mode for the purpose of recovering any disputed amount, if any, is to file a suit for recovery, if any, and in accordance with law. The amount was paid way back in the year 2015, whereas the present FIR was lodged in the year 2021 ie. after a lapse of 05 years and the complainant did not file any suit for recovery etc. The offences under Sections 420 and 120-B IPC are triable by a Magistrate. Petitioner-Ram Lal Chaudhary (in CRM-M-23545-2022) is in custody since 07.01.2022, which is more than 01 year and 06 days whereas petitioner-Amit Kumar @ Ammu (in CRM-M-46773-2022) son of Ram Lal Chaudhary, aforesaid is in custody since 04.07.2022, which is more than 06 months and 06 days. Investigation in the present case has already been completed and challan has also been presented before the trial Court. Charges have also been framed by the trial Court. No useful purpose will be served by further detention of the petitioners in custody. Thus, it is prayed that the petitioners may be ordered to be released released on regular bail.

On the other hand, learned State counsel has opposed the present petition on the ground that petitioner-Ram Lal Chaudhary, is an

habitual offender and is involved in four more cases of similar nature. However, he fairly conceded the fact that investigation in the present case has been completed and charges have been framed by the trial Court and also that the present is a case which is triable by a Magistrate.

I have heard learned counsel for the parties and carefully gone through the record.

Keeping in view the facts and circumstances of the case, the period of incarceration of both the petitioners and the fact that investigation has already been completed and conclusion to trial may take a long time, but without commenting on merits of the case, I am of the considered view that both the petitioners deserve the concession of regular bail.

Consequently, both the petitions are allowed. Both the petitioners, namely, Ram Lal Chaudhary (in CRM-M-23545-2022) and Amit Kumar @ Ammu (in CRM-M-46773-2022), are ordered to be released on regular bail on their furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

January 11, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**