

CRM-M-22115 of 2023 (O&M)

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

CRM-M-22115 of 2023 (O&M)

Reserved on : 29.05.2023

Date of Decision : 01.06.2023

Harish Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sanchit Choudhary, Advocate for the petitioner.

Mr. Saurabh Girdhar, AAG Haryana.

ALKA SARIN, J.

1. This is the first petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.606 dated 22.10.2018 under Sections 420/34/120B/406/506 of the Indian Penal Code, 1860 and Sections 4/5/6 of the Prize Chits or Money Circulation Schemes (Banning) Act, 1978 (PCMS Act) registered at Police Station City Fatehabad, District Fatehabad.

2. Earlier, the petition moved by the petitioner for interim bail being CRM-M-13265-2020 was dismissed by this Court vide order dated 30.06.2020. The petitioner was subsequently released on interim bail vide order dated 24.08.2020 (Annexure P-2) passed by the Hon'ble Supreme Court.

3. Learned counsel for the petitioner would contend that the petitioner has been in custody for a total period of 01 year, 04 months and 17 days and that though there are other cases pending against the petitioner under Section 138 of the Negotiable Instruments Act, 1881, however he is not in custody in any of those cases. Learned counsel would further contend that the co-accused has since been granted regular bail by this Court in CRM-M-933-2020 vide order dated 23.05.2020. It is further the contention that the present case is triable by a Magistrate.

4. Learned State counsel has filed a status report by way of affidavit of Jagdish Kumar, H.P.S Deputy Superintendent of Police, HQ, Fatehabad, District Fatehabad (Haryana) wherein it has been stated that the petitioner formed a fake company and defrauded the complainant, his friends and relatives of huge amounts. It is further the contention that an amount of Rs.3,53,04,883/- still remains to be paid to the public by the fraudulent company floated by the petitioner herein.

5. I have heard learned counsel for the parties.

6. In the present case the challan was presented on 21.06.2019 and till date out of 42 witnesses only 04 witnesses have been examined. The present is a case triable by a Magistrate. The petitioner has already undergone custody for a period of 01 year, 04 months and 17 days. The trial is likely to take some time as out of 42 witnesses only 04 witnesses have been examined.

7. Keeping in view the totality of circumstances and without commenting upon the merits of the case, I deem it a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be

released on bail subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

9. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

10. Disposed off. Pending applications, if any, also stand disposed off.

01.06.2023
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**(ALKA SARIN)
JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO