

216

2023 : PHHC : 067162

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22443-2023

Date of Decision: 10.05.2023

VIRENDER

... PETITIONER

V/S

STATE OF UT CHANDIGARH

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sunil Sihag, Advocate for the petitioner.
Mr. A.M.Punchhi, Public Prosecutor, U.T. Chandigarh.

* * *

VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 107 dated 22.10.2022 under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station Sector 3, Chandigarh.
2. Custody certificate has been taken on record.
3. Learned counsel for the petitioner contends that the allegations against the petitioner and the co-accused are to the effect that they had deceitfully received a sum of Rs. 18,50,000/- from the complainant on the false pretext of providing job as UDC in Haryana Vidhan Sabha and had also issued forged appointment letter. It has been further submitted that the amount to the tune of Rs. 90,000/- and Rs. 1 Lakh is stated to have been transferred in the bank account which does not pertain to the petitioner. The allegations with regard to payment of amount in cash is not supported with any reliable material.

The petitioner is in custody for a period of 4 months and 17 days. Though he is involved in another case under Sections 447, 506 read with Section 34 IPC but is on bail in that case. The investigation of the case is complete, the challan has been presented in the Court and the offences are triable by the Court of learned Judicial Magistrate First Class.

4. Learned Public Prosecutor for U.T. Chandigarh, has opposed the bail application on the score that there are serious allegations with regard to extracting huge amount on the false pretext of employment to the complainant. Moreover, two of the co-accused are yet to be arrested.

5. However, it has not been disputed that investigation of the case qua the petitioner is complete and challan has been presented.

6. In the instant case, the amount alleged to have been transferred in the bank account does not pertain to the petitioner. It will be a debatable and moot point during the course of trial as to whether any cash amount was paid to the petitioner by the complainant or not. The offences are triable by the Court of learned Judicial Magistrate First Class. The investigation of the case is complete, the challan has been presented in the Court. The petitioner is in custody for a period of 4 months and 17 days. Though he is involved in another case pertaining to the offence under Sections 447, 506 read with Section 34 IPC but is on bail in that case. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

7. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

8. The petition is allowed.

10.05.2023

Janki

(VIVEK PURI)
JUDGE

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