

CRM-M-23881-2023

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

CRM-M-23881-2023
Date of Decision: 17.07.2023

Kamal Singh alias Kamal Singh Yadav

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. T.K. Gupta, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Sourabh Goel, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.10 dated 09.01.2022, under Sections 120-B, 406, 419, 420, 467, 468 & 471 IPC, registered at Police Station Manesar, District Gurugram.

2. Learned counsel for the petitioner has submitted that the petitioner is 58 years of age and he is in custody from 1 year and 4 months and the charges in the present case were framed on 20.03.2023 and till date not even a single prosecution witness has been examined. He further submitted that in the present case, even as per the FIR, the allegations were

against the son of the petitioner whose name is Praveen Yadav and the other co-accused by alleging that they had called the complainant to the premises of NSG at Manesar and the son of the petitioner impersonated and portrayed himself to be as an IPS Officer and thereafter, forged some letters in this regard and thereafter, a fabricated account was also opened in the Axis Bank wherein the sister of the aforesaid Praveen Yadav was an employee and consequently, an amount of Rs.55 crores in the account of the son of the petitioner was deposited by the complainant. He further submitted that so far as the role of the present petitioner is concerned, he had neither any role to play in any of incident nor it was so alleged in the FIR but thereafter, the son of the petitioner after some time, transferred an amount of Rs.39 lacs in the joint account of the petitioner and himself which was being operated by him and it was only because of this reason that the name of the petitioner was nominated and he was arrested. He also submitted that on the face of it, the petitioner being father of the aforesaid Praveen Yadav, had no role to play at all and just because he was joint account holder with his son that his name has been nominated. He further submitted that the petitioner is not having criminal antecedents or any criminal background and he has already faced incarceration for 1 year and 4 months, therefore, he may be considered for the grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, learned Assistant Advocate General, Haryana, submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that as per the FIR itself, no role was attributable to the petitioner but it was attributable to the son of the petitioner and the other co-accused and his name was

nominated only because of the fact that after the alleged incident, an amount of Rs.39 lacs was transferred in the joint account of the petitioner and his son. So far as criminal background of the petitioner is concerned, she has not disputed the same. She further submitted that after the present FIR, three more FIRs were registered against the petitioner.

4. Mr. Sourabh Goel, learned counsel for the complainant has submitted that so far as the role of the petitioner is concerned, it is not in dispute that no allegations were made against the petitioner in the FIR initially and all the allegations were made against the son of the petitioner and the other co-accused, but the petitioner was nominated by virtue of the fact that he was beneficiary of Rs.39 lacs which was transferred by his son in his account.

5. I have heard the learned counsels for the parties.

6. The petitioner has already faced incarceration for 1 year and 4 months. Indeed the allegations contained in the FIR are serious in nature but so far as the present petitioner is concerned, even as per the learned counsels for the parties, there was no allegation against the petitioner at the initial stage when the FIR was registered and all the allegations were against the son of the petitioner and the other co-accused. Even as per the learned counsel for the respondents, the name of the petitioner was nominated only because his son had transferred an amount of Rs.39 lacs in the joint account.

7. Learned counsel for the petitioner has submitted that the account in which the aforesaid amount was transferred, was a joint account of the petitioner and his son, and therefore, it cannot be said that the petitioner was even the beneficiary of the account.

8. The aforesaid facts and circumstances suggest that the petitioner, who is the father of the main accused against whom the allegations are levelled, has already faced incarceration for 1 year and 4 months and as per the learned counsel for the parties, till date not even a single witness has been examined. Furthermore, it is not the case of the State or of the complainant that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence.

9. In view of the aforesaid totality of the circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

17.07.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No