

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-24359-2023

Date of Decision: 18.5.2023

Kamal Singh @ Kamal Singh Yadav

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Tapish Gupta, Advocate for
Mr. Vishal Sharma Haritwal, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.25 dated 18.1.2022 registered for the offences punishable under Sections 120-B, 406, 419, 420, 467, 468, 471, 201 IPC at Police Station Manesar, District Gurugram.

2. The allegations in nutshell are that the petitioner, his son Parveen Yadav, Ritu Raj Yadav and Mamta Yadav and some other persons caused wrongful loss of ₹ 1,66,32,000/- to complainant-Sant Lal and there are allegations that the said money was taken by Parveen Yadav and other accused persons and Parveen Yadav impersonated himself as IPS Officer by forging his identity proof. During the investigation, all the accused including the petitioner were arrested.

3. Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and the main allegations are against his son Parveen Yadav who contacted the complainant. He further submits that the petitioner is in custody for the last more than 1 year and 1 month and that the trial is at its initial stage. So, prayer is made that the petitioner be released on bail.

4. Present petition is resisted by the State counsel who on instructions from PSI Deepak submits that entire family of the petitioner including his son were involved in the fraud and they defrauded complainant-Sant Lal of ₹ 1,66,32,000/- and the main role was played by Parveen Yadav son of the complainant who posed himself as an IPC Officer by forging identity proof. However, the State counsel has not disputed the fact that all the accused are arrested and the petitioner is in custody for the last more than 1 year and 1 month and that till date, no prosecution witness has been examined.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, all the offences are triable by the Court of Judicial Magistrate, 1st Class and the petitioner is behind bars for the last more than 1 year and 1 month and the trial is at its initial stage and the main allegations are against the son of the petitioner namely Parveen Yadav who posed himself as an IPC Officer. It will take considerable time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be

released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 18, 2023
Paritosh Kumar

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