

2023:PHHC:110081

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

214

CRM-M-23732-2023

Date of decision : 23.08.2023

Sajan Kumar**..... Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.134 dated 10.06.2022, registered for the offences punishable under Sections 406, 420, 467, 468 and 471 of IPC, registered at Police Station Farakpur, District, Yamuna Nagar.

2. As per the allegations levelled in the FIR, petitioner is a part of racket who induces innocent unemployed youth and dubbed them to part away with the money in lieu of railway services.

3. Counsel for the petitioner submits that the petitioner is in custody for last more than 11 months. Challan already stands presented and even the complainant stands partly examined after which the prosecution has moved the application under Section 319 Cr.P.C. as noticed in the order dated 17.04.2023 passed by the trial Court.

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4. Counsel for the petitioner further submits that the complainant was partly examined on 17.04.2023. Prosecution sought adjournment for filing application under Section 319 Cr.P.C. which was not even filed on 15.05.2023, but could be filed later and till date, arguments on the said application have not been heard. Counsel further submits that since the evidence against the petitioner is primarily documentary and is already before the Court, there cannot be any apprehension that the petitioner shall tamper with the evidence and his custody cannot be prolonged as a punitive measure.
5. Learned State counsel does not dispute the aforesaid factual assertions based on record.
6. Keeping in view the above facts and circumstances, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

23.08.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No