

CRM-M-20187-2023

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211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20187-2023
Date of Decision: 04.10.2023

Sunil Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Govind Chauhan, Advocate,
for the petitioner.

Mr. Vinay Phogat, DAG, Haryana,
for the respondent-State.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.494 dated 06.06.2021, registered under Sections 406, 420, 506 and 34 of the Indian Penal Code, 1860, and Section 24 of the Immigration Act, at Police Station Sadar, District Karnal.

2. It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the allegation against the petitioner was that the petitioner had charged an amount of Rs.15 lakhs for sending the son of the complainant abroad. Instead of sending him abroad, the petitioner provided a fake visa for the son of the complainant. When the complainant demanded his money back, the petitioner did not even entertain that request. However, now the

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police themselves have conceded that the visa arranged for the son of the complainant was not fake. On the basis of that statement made by the police, the co-accused of the petitioner has already been released on bail by the Court below. The petitioner is in custody since 14.03.2022. Out of total 18 witnesses, only 01 witness has been examined so far. Therefore, the trial is not likely to be concluded in near future. Accordingly, the petitioner deserves to be released on bail pending trial.

3. On the other hand, learned State counsel, being instructed by ASI Naresh Kumar, has submitted that the petitioner had cheated the complainant for an amount of Rs.15 lakhs in the name of sending his son abroad. However, it is not disputed that; now; the stand of the police is that the visa arranged for the son of the complainant was not fake. It is also not disputed that the petitioner is in custody since 14.03.2022 and that out of 18 witnesses, only one witness has been examined so far by the prosecution.

4. In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

04.10.2023

adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No