

209 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34270-2022

Date of Decision: 23.03.2023

SUNNY KUMAR

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Ishita Jain, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No.303 dated 08.06.2021 under Sections 420, 201, 34, 406, 467, 468 and 471 IPC registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

Custody certificate has been placed on record.

Learned counsel for the petitioner contends that initially the FIR was registered against the petitioner and the co-accused Deepak and Surinder on the allegations that the petitioner procured a sum of Rs.1,05,000/- from the complainant for arranging the job for him in the Jagadhri Court. During the course of investigation, Deepak and Surinder were found to be innocent and challan has been presented only against the petitioner. Moreover, in pursuance of the order dated 27.09.2022, the petitioner has also deposited a sum of Rs.1 lac before the trial Court to prove his bona fide without prejudice to his rights to defend the case. Although, charge has been framed but out of 10, till date, no witness has

been examined.

Learned State counsel has opposed the bail application on the score that besides receiving a sum of Rs.1,05,000/- in a deceitful manner on the pretext of providing job, the petitioner has also issued forged appointment letter to the complainant. However, it has not been disputed that charge has been framed and till date, no witness has been examined. It has been further submitted that the petitioner is also involved in another case.

Custody certificate indicates that the petitioner is in custody for a period of 10 months and 20 days. Though, he is involved in another case under Sections 406 and 420 IPC but custody certificate indicates that he is on bail in that case. The petitioner has deposited a sum of Rs.1 lac in the learned trial Court in terms of the order dated 27.09.2022. The offences are triable by the Court of learned JMIC. The investigation of the case is complete and challan has been presented. Charge has been framed but till date no witness has been examined. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Duty Magistrate.

23.03.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No