

CRM-M-32166-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-32166-2023
Date of Decision: 07.08.2023

Mandeep Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ram Pal Verma, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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.139 dated 18.12.2021, under Sections 420, 467, 468, 471, 506, 120-B & 201 IPC, registered at Police Station City Jatusana, District Rewari.
2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 30.06.2023 and qua the petitioner, the investigation of the case has already been completed and challan has also been presented before the competent Court. He further submitted that it is a case which is triable by the Magistrate and all the other co-accused have already been extended the benefit of regular bail. He also submitted that there was no direct allegation against the petitioner in the present FIR or as

per the prosecution story and as per the allegations, the two other co-accused, namely, Manoj and Jitender had come to the house of the complainant on the pretext of giving recruitment in the Army and they had also taken some money from the complainant. He also submitted that it was only thereafter on the disclosure statement of the aforesaid co-accused, the name of the petitioner was nominated in the present case. He further submitted that the allegations against the petitioner were that he had also taken Rs.14 lacs. He also submitted that the petitioner was not even aware of lodging of the present FIR since he was nominated thereafter and at the back of the petitioner, the P.O. proceedings were initiated but he was never declared P.O. and before that he was arrested. He further submitted that the petitioner has clean antecedents and is not involved in any other case and the trial of the case may take long time, therefore, he may be considered for the grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, learned AAG, Haryana has filed a status report by way of an affidavit of DSP, Kosli on behalf of respondent/State in Court today, which is taken on record. She submitted that it is correct that the petitioner is in custody since 30.06.2023 and the investigation of the case has been completed. She further submitted that when the other two co-accused were arrested, they had disclosed the name of the present petitioner and as per the allegations, the petitioner had taken Rs.14 lacs out of the total amount which was taken by the other co-accused. She has also submitted that it is correct that the petitioner has clean antecedents and he is not involved in any other case and the present case is triable by the Magistrate.

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

5. The petitioner is in custody since 30.06.2023. As per the learned counsels for the parties, qua the petitioner the investigation of the case has already been completed by the police and challan has also been presented before the competent Court. The present is a case which is triable by the Magistrate. The petitioner is stated to have clean antecedents and is not involved in any other case. The other co-accused who have been named in the FIR and against whom the allegations were that they had taken money on the pretext of giving recruitment in the Army have already been extended the benefit of regular bail. The mere fact that the P.O. proceedings were initiated against the petitioner but he never declared P.O., would not have any effect on considering the prayer for grant of regular bail to the petitioner nor it can become a ground for denial of bail to the petitioner, considering the aforesaid facts and circumstances. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel 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.

6. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner particularly in view of the fact that the petitioner has clean antecedents. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. 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.

07.08.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:

Yes/No
2. Whether reportable:

Yes/No