

215 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34264-2022

Date of Decision: 15.02.2023.

ASHRAFUL HAQUE @ ABUSAMA ASHRAFUL

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Rajesh Lamba, 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. 0468 dated 27.08.2017 under Section 420 IPC and Section 3 of the Haryana Protection of Interest of Depositors Act, registered at Police Station DLF Phase-1, Gurugram.

Custody certificate has been placed on record.

Briefly, as per the allegations, the petitioner alongwith co-accused had deceitfully received the amount from various investors on the pretext of returning double the amount.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 01 year, 02 months and 26 days and not involved in any other case. A sum of Rs.7,000/- and a motorcycle have been recovered from the petitioner.

Learned State counsel has opposed the bail application on the score that the magnitude of fraud is to the extent of Rs.50 lac. The co-accused are absconding. The petitioner had also misused the concession of interim bail when he was released during Covid-19 Pandemic. It has been further stated that out of 74, no witness has been examined till date.

It may be mentioned here that the petitioner is in custody for a period of 01 year, 02 months and 26 days and not involved in any other case. The recovery has already been effected from the petitioner. Although, the petitioner had overstayed when he was granted interim bail during Covid-19 Pandemic, but the learned counsel for the petitioner submits that the petitioner had surrendered of his own before the Court. Till date, no witness has been examined and 74 witnesses have been mentioned in the list of witnesses. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

In these set of 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/Chief Judicial Magistrate/Duty Magistrate.

15.02.2023
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(VIVEK PURI)
JUDGE

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