

2023:PHHC:106548

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

233

CRM-M-33221-2023 (O&M)

Date of Decision: 17.08.2023

SONU BANSAL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Namit Khurana, Advocate and
Mr. Sandeep Sharma, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG Haryana.

Mr. Bipan Ghai, Senior Advocate with
Mr. Deepanshu Mehta, Advocate
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.190 dated 12.05.2012, registered under Sections 199, 211, 327, 342, 388, 406, 419, 420, 506 and 120-B IPC; Sections 328, 376 and 506 IPC (deleted on 24.05.2012) and Sections 199, 211, 327, 342, 388, 419, 420 and 120-B IPC (added later on), at Police Station City Yamuna Nagar, District Yamuna Nagar.

Reply by way of an affidavit dated 08.08.2023 of the Deputy Superintendent of Police, Head Quarter, Yamuna Nagar, filed on behalf of the respondent-State, in the Court, is taken on record. Copy whereof has been supplied to the learned counsel opposite.

Learned counsel for the petitioner submits that the present FIR was lodged by Mahima Kadian wife of Raghbir Singh; that the allegation against the petitioner is that he had received Rs.4 crore in his bank account through RTGS; that the petitioner has been in custody since 01.05.2023; that out of total 22 prosecution witnesses, only 3 have been examined, so far and that, now, with the intervention of the respectables, a compromise has been effected between the petitioner, co-accused, namely, Sunil Kumar and complainant, namely, Ajay Bansal, on 18.05.2022. He further submits that the petitioner is ready to return the amount received in his bank account to the complainant.

Learned Senior counsel for the complainant does not dispute the factum of compromise effected between the parties. He further submits that the petitioner has agreed to return the amount received in his bank account to the complainant.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel submits that the petitioner is a habitual offender, inasmuch as, he is facing 17 more cases.

While controverting the aforesaid submission made by the learned State counsel, learned counsel for the petitioner relies upon the judgments delivered by the Hon'ble Supreme Court in Prabhakar Tewari vs. State of U.P & Anr., Law Finder DocId#1670858.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 01.05.2023. The allegations attracting Section 376 IPC were found to be false and

accordingly, the said Section along with other related Sections were deleted vide DDR dated 24.05.2012. A compromise has already been effected between the petitioner, co-accused, namely, Sunil Kumar and the complainant. The petitioner has undertaken to return the amount received in his bank account to the complainant. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars. Moreover, pendency of several criminal cases by itself is not ground to refuse the prayer for bail and in this regard reference is made to Prabhakar Tewari's case (supra).

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

17.08.2023

Aman Jain

(HARNARESH SINGH GILL)**JUDGE***Whether speaking/reasoned* : *Yes/No**Whether reportable* : *Yes/No*