

[201+101] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34603-2023(O&M)
Date of Decision :09.11.2023

Ramesh Sanka ...Petitioner

versus

State of HaryanaRespondent

Coram : **HON'BLE MR. JUSTICESANDEEP MOUDGIL**

Present : Mr. VinodGhai, Senior Advocate assisted by
Mr. ArnavGhai, Advocate,
Mr. Karan Nehra, Advocate and
Mr. Shivam Sharma, Advocate
for the petitioner.

Mr. Deepak Sabherwal, Addl. AG, Haryana.

Dr. Anmol Rattan Sidhu, Senior Advocate assisted by
Mr. PrateekRathee, Advocate
for the complainant.

Mr. RohitKaushik, Advocate for
Mr.Gurinder Singh (victim).

SANDEEP MOUDGIL, J. (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.199, dated 21.07.2022, under Sections120-B, 389 (Sections 418, 420 and 201 added later on) of Indian Penal Code, 1860 registered at Police Station, Sector 65, Gurgaon.

2. Learned Senior Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in a present case. As per the FIR, the only allegation against the petitioner is that he misrepresented the records of the complainant's company to force the

return of their investment. No offence whatsoever is made out from these allegations. Learned Senior Counsel further submits that co-accused of the petitioner namely Sumit Kumar and Vivek Sehgal have already been granted the concession of regular bail by this Court vide orders dated 16.05.2023 and 02.06.2023 passed in CRM-M-19216-2023 & CRM-M-10553-2023.

3. Learned State counsel submits that there are grave allegations against the petitioners as he in collusion with his accomplice misrepresented the clients of the complainant and siphoned off money belonging to the complainant-company, therefore, he is not entitled to bail.

4. Admittedly, challan in the present case stands presented on 19.06.2023 and charges are yet to be framed, meaning thereby, the conclusion of trial is likely to take long time to conclude. Moreover, co-accused of the petitioner namely Sumit Kuamr and Vivek Sehgal have already been granted concession of regular bail by this Court.

5. Be that as it may, investigation in the case already stands completed, therefore, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, wherein 'Bail is a Rule and Jail is an Exception' and it would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying the judgment of the Apex Court passed in '**Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.**'

6. In the light of the above, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of

7. The present petition, is hereby, allowed.
8. However, anything stated hereinabove shall not be construed an expression of the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

09.11.2023
'Rajneesh'

Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No