

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-33933-2023
Date of Decision: 25.07.2023**

Pankaj Maan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.S. Sandhu, Advocate &
Ms. Ramandeep Kaur, 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.46 dated 17.01.2023, under Sections 406, 420, 467, 468, 471 & 120-B IPC and Section 24 of the Immigration Act, registered at Police Station Sadar Karnal, District Karnal.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 29.04.2023 and the investigation of the case has already been completed and now the case is fixed for consideration of framing of charges. He further submitted that in the present case, a complaint was lodged by the complainant, namely, Ravinder Kumar on the ground that his children and some other persons were to be sent abroad and regarding which some money was paid by the petitioner to the other co-accused and most of the money was paid by way of cash regarding which

there is no evidence with the police. He also submitted that during the course of investigation, it was found that the complainant, namely, Ravinder Kumar himself was the master mind and he was, therefore, arraigned as an accused in the present case and the statement of some other persons were recorded. He further submitted that one of the other co-accused, namely, Ayesha Mohammad Arshad Karim, against whom specific allegations have been levelled, has already been extended the benefit of regular bail by a Co-ordinate Bench of this Court vide Annexure P-3 on 24.05.2023 and submitted that so far as the present petitioner is concerned, he is not involved in any other case and has clean antecedents. He also submitted that even otherwise also the present is a case which is triable by the Magistrate and the trial of the case may take long time and therefore, has prayed that the petitioner may be considered for the grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, learned AAG, Haryana has stated that it is correct that the petitioner is in custody since 29.04.2023 and the investigation of the case has been completed. She further submitted that it is also correct that the present case is triable by the Magistrate and the complainant, namely, Ravinder Kumar is now a co-accused in the present case and rather he got recovered an amount of Rs. 70,000/- which had come to his share. So far as the criminal antecedents of the petitioner is concerned, she has not denied the same by stating that the petitioner has clean antecedents and is not involved in any other case.

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

5. The petitioner has already faced incarceration from 29.04.2023 and 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, namely, Ayesha Mohammad Arshad Karim has already been extended the benefit of regular bail by a Co-ordinate Bench of this Court vide Annexure P-3. 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, in view of the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner. 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.

25.07.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No