

CRM-M-36699 of 2022

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

CRM-M-36699 of 2022
Date of decision: 20.01.2023

Ajay Singh Chauhan

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Namit Khurana, Advocate, for the petitioner.
Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.210 dated 20.03.2020 under Sections 420, 201, 406, 409 IPC, registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

Brief facts of the case are that on 20.03.2020, ASI Amarjit Singh was present in the police station when he received a letter/complaint no. 5611 dated 25.07.2019 through post from the office of Superintendent of Police, Yamuna Nagar, wherein complainant Reena alleged for taking action against Neeru Chauhan and her family members for committing cheating. As per complainant, they all are working in Cooperative Society namely Multi Purpose Smart Wallet Co-operative Society. On the inducement of accused that they will get their money doubled, the complainant got opened RD/FD in the society ranging from Rs.100/- to

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Rs.1000/- and Rs.2000/-. In the said society, besides Neeru Chauhan and her husband, two other boys Vikas Kumar Kataria and Manish Kumar residents of Darajpur are also working, who used to collect the amount for the society. Accused assured to return the amount within one year but they did not do so after one year, people have lodged complaints at C.M. Window but no action was taken. Around 70 lakhs are invested in the society which accused do not intend to return.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Learned counsel further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 29 prosecution witnesses only one witness has been examined and the case is now fixed before the trial Court for today. He submits that petitioner is in custody since 16.12.2020. The offences allegedly committed by the petitioner are triable by the Magistrate. He further submits that co-accused of the petitioner i.e. his wife-Neeru Chauhan, has been granted regular bail by the Court of learned Additional Sessions Judge, Yamuna Nagar vide order dated 19.05.2021 (Annexure P-3). He is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

Per contra, learned State counsel has opposed the prayer for grant of regular bail to the petitioner and filed custody certificate. However, he could not refute that out of total 29 prosecution witnesses only witness has been examined till date; petitioner is in custody for the last 01 year 10 months and 29 days and the trial may take a considerable time to conclude.

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I have heard learned counsel for the parties and perused the record.

Keeping in view the custody of the petitioner, which is 01 year 10 months and 29 days; co-accused has already been granted the concession of regular bail by the Court below; investigation is complete; challan has been presented; charges have been framed and out of 29 prosecution witnesses, only one prosecution witnesses has been examined; petitioner is not involved in any other case and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

20.01.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No