

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

CRM-M-40378-2022 (O&M)

Date of Decision: 17.07.2023

Sushil Tyagi

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Yashveer Kharab, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.370 dated 31.10.2019 registered under Sections 406 and 420 of IPC (Sections 323, 467, 468, 471 and 506 of IPC were added later on) at Police Station Civil Line Sonipat, District Sonipat.

The FIR in the present case was got registered by one Poonam Rani by alleging that in the year 2017, Savita Sharma and Neelam had come to her and informed her that they were working in Jan Chetna Networking Marketing Limited and both of them had induced the complainant to invest in their company and assured good returns on their investment. On the false assurance made by Neelam and Savita Sharma, the complainant invested huge amount, but the company neither gave any returns nor returned the money of the various persons. Ultimately, during the course of investigation, it was found

that the petitioner was also one of the Director and he was also ordered to be arrested on 04.10.2021.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and was arrested on 14.02.2021 and is in custody for the last more than 2 years and 5 months. He further contends that Neelam and Simran Tyagi, two co-accused of the petitioner have been granted the concession of bail. He further contends that out of total 46 witnesses, only 21 witnesses have been examined and all the offences are triable by the Court of Magistrate. Thus, he contends that his further custody will serve no meaningful purpose.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned present petitioner by contending that the petitioner is involved in four other cases. However, she does not dispute that the petitioner is on bail in three other cases and only in one case, he is in custody.

I have learned counsel for the parties and perused the record with their assistance.

It is not in dispute that the petitioner is in custody for the last more than 2 years and 5 months and only 21 witnesses, out of total 46 witnesses have been examined and the conclusion of the trial will take long time.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

Since the petitioner is facing several other criminal cases, he is directed to report to SHO, Police Station, Sector 29, Panipat on every first and third Monday of every month, during the pendency of the trial and his presence shall be recorded in the roznamcha of the police station. He shall also file an affidavit before the learned trial Court mentioning the place of his ordinary residence and his mobile number, during the pendency of the trial before the learned trial Court. Apart from that, the Court granting bail to the petitioner may also insist on two heavy sureties and may also impose any other conditions in accordance with law.

Disposed off.

17.07.2023

hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No