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

CRM-M-39225-2023

Date of Decision: 28.11.2023

Ravinder Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Rosi, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, 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.0046 dated 17.01.2023, under Sections 406, 420 IPC and Section 24 of the Immigration Act, (Sections 467, 468, 471, 120-B IPC were added later on), registered at Police Station Karnal Sadar, District Karnal.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 29.04.2023 and the investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court. She further submitted that the present is a case which was registered at the instance of the petitioner being complainant under Sections 406 & 420 IPC and thereafter, Sections 467, 468, 471, 120-B IPC were added later on. She submitted that during the course of

investigation, the petitioner has been nominated as an accused on the ground that he had collected money from the aggrieved persons in connivance with the other co-accused on the pretext of sending them abroad. She further submitted that the other co-accused, namely, Ayesha Mohammad Arshad Karim and Pankaj Maan have already been extended the benefit of regular bail in CRM-M-22602-2023 and CRM-M-33933-2023 on 24.05.2023 and 25.07.2023, respectively. She also submitted that the present is a case which is triable by the Magistrate and the trial of the case may take long time and it is yet to be ascertained at the time of trial as to what was the role of the petitioner and as to whether he was actively in connivance with the other co-accused or the petitioner was actually the victim of the other co-accused and therefore, has prayed that he may be considered for grant of regular bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, learned DAG, Haryana stated that it is correct that the petitioner is in custody from 29.04.2023 and the investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court. He further submitted that it is also correct that the aforesaid co-accused, namely, Ayesha Mohammad Arshad Karim and Pankaj Maan have been extended the benefit of regular bail and the present case is triable by the Magistrate. He has, however, stated that the petitioner is involved in four more cases out of which two are similar in nature and therefore, he is not entitled for grant of regular bail.

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

5. The petitioner is in custody from 29.04.2023. The challan has already been presented after the completion of investigation by the police.

The aforesaid co-accused have already been granted regular bail and the present is a case which is triable by the Magistrate and the trial of the case may take long time. The mere fact that the petitioner is involved in some other cases out of which two are similar in nature cannot become a ground for denial of bail. Furthermore, it is neither the case of the State nor it has been so 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 repeat the offence. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner.

6. 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.

28.11.2023*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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