

CRM-M-39400-2023

-1-

228

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

**CRM-M-39400-2023
Date of Decision: 29.11.2023**

Naveen Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. T.K. Gupta, Advocate for
Mr. Vishal Sharma, Advocate
for the petitioner.

Mr. Vishal Kashyap, 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.10 dated 09.01.2022, under Sections 120-B, 406, 419, 420, 467, 468 & 471 IPC, registered at Police Station Manesar, District Gurugram.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 09.02.2022 which is more than 1 year and 9 months and the charges in the present case were framed on 20.03.2023 and till date not even a single prosecution witness has been examined. He further submitted that in the present case, even as per the FIR, the allegations were against one of the co-accused, namely, Praveen Yadav by alleging that the

CRM-M-39400-2023

-2-

aforesaid co-accused along with other co-accused had called the complainant to the premises of NSG at Manesar and the aforesaid Praveen Yadav impersonated and portrayed himself to be as an IPS Officer and thereafter, some forged letters were also made by him in this regard. Apart from the above, a fabricated account was also opened in the Axis Bank where the sister of the aforesaid Praveen Yadav was an employee and consequently, an amount of Rs.55 crores was deposited in the account of the aforesaid Praveen Yadav by the complainant.

3. Learned counsel for the petitioner further submitted that so far as the role of the present petitioner is concerned, he is the brother-in-law of the aforesaid Praveen Yadav and some amount was got deposited by the aforesaid Praveen Yadav in the account of the petitioner without his knowledge and submitted that the other co-accused, namely, Kamal Singh @ Kamal Singh Yadav, who is the father of the aforesaid Praveen Yadav had filed a bail petition before this Court and this Court vide Annexure P-3 has granted bail to the aforesaid Kamal Singh @ Kamal Singh Yadav on 17.07.2023. He further submitted that even the sister of the aforesaid Praveen Yadav has also been extended the benefit of regular bail by a Co-ordinate Bench of this Court in CRM-M-19071-2023 on 28.11.2023. He submitted that considering the allegations contained in the present case, the prime accused is Praveen Yadav and the petitioner is at parity with the aforesaid two co-accused, who have been granted regular bail. He also submitted that even otherwise also the present is a case which is triable by the Magistrate and more than 8 months have elapsed after the framing of the charges i.e. on 20.03.2023, not even a single prosecution witness has been

examined and the trial of the case may take long time and therefore, he may also be considered for the grant of regular bail.

4. On the other hand, Mr. Vishal Kashyap, learned Deputy Advocate General, Haryana, submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the aforesaid two co-accused have been granted regular bail. He has however submitted that an amount of Rs.1.25 crores were transferred in the account of the petitioner as well and also submitted that the petitioner is involved in three more cases and therefore, he does not deserve the concession of regular bail.

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

6. The petitioner has already faced incarceration for more than 1 year and 9 months and he is stated to be brother-in-law of the aforesaid co-accused, namely, Praveen Yadav. The father and sister of the aforesaid Praveen Yadav, who are also co-accused, have been extended the benefit of regular bail. The present is a case which is triable by the Magistrate. During the course of arguments, the learned counsel for the petitioner has also submitted that even the account of the petitioner has been freezed.

8. Considering the aforesaid facts and circumstances of the case and also considering the fact that the present case is triable by the Magistrate, this Court is, therefore, deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

9. 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.

29.11.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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