

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

229

1.

2023:PHHC:135681
CRM-M-40107-2023
Date of decision: October 17th, 2023

Karan Naiyar @ Karan Nayyar

.....Petitioner

State of Punjab

Versus

.....Respondent

2.

CRM-M No.41454 of 2023 (O&M)

Umesh Chander Soni

.....Petitioner

State of Punjab

Versus

.....Respondent

3.

CRM-M No.47440 of 2023

Karan Dahiya

.....Petitioner

State of Punjab

Versus

.....Respondent

4.

CRM-M No.49498 of 2023

Shiv Prakash Mishra

.....Petitioner

State of Punjab

Versus

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ranjit S. Bajaj, Advocate
for the petitioner (in CRM-M-40107-2023).

Mr. Anoop Verma, Advocate
for the petitioner (in CRM-M-41454-2023).

Mr. Sandeep Kotla, Advocate
for the petitioner (in CRM-M-47440-2023).

Mr. Parminder Walia, Advocate
for the petitioner (in CRM-M-49498-2023).

PUNEET SACHDEVA
2023.10.19 10:03
I attest to the accuracy and
integrity of this document.
Chandigarh

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

Prayer in these petitions filed under Section 439 of the Code of Criminal Procedure, 1973, is for grant of regular bail to the petitioners in case FIR No.159 dated 08.06.2023 under Sections 406, 420, 465, 466, 467, 468, 471 and 474 of the IPC registered at Police Zirakpur, District S.A.S. Nagar.

2. Learned counsel for the petitioners, *inter alia*, contends that the petitioners have been falsely implicated in the instant case for allegedly preparing forged documents after using forged stamps of other finance companies, and subsequently duping people in the name of processing fees for their loans. It has been submitted that there are no specific allegations levelled against any of the petitioners, and no monetary transactions have been alleged to be made in the bank account of the petitioners. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel has submitted that the case had been registered on the basis of a secret information, and there was no private complainant in the case at hand. Still further, even during investigation, no person had recorded his statement to the effect of being cheated by the petitioners. It has been submitted that in the facts and circumstances, more so since the investigation in the case in hand is complete and the petitioners have been in custody since 08.06.2023, their further incarceration would serve no useful purpose.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to controvert that investigation in hand is complete and the challan stands

presented. It has also not been disputed by the learned State counsel that the petitioners are not involved in any other criminal case, much less a case of similar nature. However, learned State counsel submits that a secret information had been received qua the involvement of the petitioners in the case in hand to the effect that they had been duping innocent people of lacs of rupees on the pretext of procuring loans after taking some fees for the same.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioners have been in custody since 08.06.2023, in a case triable by Magistrate. The trial is going to take considerable time to conclude as only challan stands presented and charges are likely to be framed on the next date of hearing. The petitioners are not stated to be involved in any other case much less in a case of similar nature.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioners. Accordingly, the instant petitions are allowed. The petitioners be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Copy of this order be placed on the file of each of the connected cases.

October 17th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No