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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42873-2023 (O&M)
Date of decision: 11.10.2023

ROHIT ROJER

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. A. D. S. Jattana, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Ms. Urvashi Singh, Advocate for
Mr. Vivek Singla, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.188 dated 22.05.2023, under Sections 406, 420 and 506 of the IPC, registered at Police Station Bilaspur, District Yamuna Nagar, Haryana.

2. Learned counsel for the petitioner submitted that it is a case where the petitioner is in custody from 10.07.2023 and the investigation of the case has already been completed and challan has been presented. He further submitted that the allegations against the petitioner were with regards to the fact that he had duped the villagers by stating that he will extract gold from the

house. He further submitted that the petitioner has been falsely implicated in the present case and even otherwise also the present is a case which is triable by Magistrate and investigation of the case has already been completed and no recovery is to be effected from the petitioner and the trial of the case may take a long time to conclude and therefore the petitioner may be considered for grant of regular bail. He also submitted that even otherwise also the guidelines issued by the Hon'ble Supreme Court in **Arnesh Kumar versus State of Bihar and another, (2014) 8 SCC 273** have not been complied with in the present case and even as per the State, notice under Section 41-A Cr.P.C. was given at the time when the petitioner was arrested.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana submitted that it is correct that the petitioner is in custody from 10.07.2023 and investigation of the case has already been completed and challan has been presented and the present is a case which is triable by Magistrate.

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

5. It is a case where the petitioner is in custody from 10.07.2023 and as per learned counsel for the parties, investigation of the case has been completed and challan has also been presented. The present is a case which is triable by Magistrate and it will take long time to conclude. On a query being raised to the learned State counsel with regard to the compliance of the directions and guidelines issued by the Hon'ble Supreme Court in **Arnesh Kumar's case (supra)**, he submitted that the day on which the notice was issued to the petitioner, on the same day he was arrested. However, there is nothing on the record to show that some reasons for arrest were also there.

6. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.
7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

11.10.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No