

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

CRM-M-47065-2022

Date of Decision:-16.02.2023

Rajendra Kumar @ Rajender Kumar.

.....Petitioner.

Versus

State of Punjab.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sarfraz Hussain, Advocate for the Petitioner.

Mr. Shubham Kaushik, Assistant Advocate General,
Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.202 dated 18.12.2021 under Sections 420, 120-B IPC registered at Police Station City-1, Sangrur.

The prosecution case in brief is that the petitioner and his co-accused obtained a sum of Rs.1 Crore from the complainant on the pretext of investing in a business.

The counsel for the petitioner contends that there is no evidence of any agreement on record regarding the allegations referred to in the FIR. There is no bank transaction as well. No amount was paid to the petitioner. Prakash Thakur and Deepak Likhani are the main accused. The petitioner was in custody since 4.5.2022 and none of the 16 prosecution witnesses had been examined so far. Therefore, the Trial was not likely to

be concluded anytime soon. In the other cases registered against him except one he has been granted the concession of bail as was apparent from para 16 of the petition. Therefore, the petitioner was entitled to the grant of bail more so when the case was triable by the court of a Magistrate.

The learned Counsel for the State on the other hand has filed a reply dated 16.02.2023. He contends that during the investigation it was revealed that RK referred to in the FIR was Rajendra Kumar , the present petitioner. During the course of investigation, he admitted to have committed the offence in question. Since the petitioner had criminal antecedents, he was not entitled to the grant of bail. However, he admitted to the period of custody undergone by the petitioner also the stage of Trial.

I have heard learned Counsel for the parties at length.

The veracity of the allegations against the petitioner shall be established during the course of trial. Admittedly, the petitioner is in custody since 4.5.2022 and none of the 16 prosecution witnesses have been examined so far. In the other cases registered against him, he has been granted the concession of bail barring one case bearing FIR No.38 dated 13.01.2022. Since the case is triable by the court of a Magistrate, the further incarceration is not required.

Thus, without commenting on the merits of the case, the petition is allowed and petitioner-**Rajendra Kumar @ Rajender Kumar** son of Sh. Roop Chand is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the

cases mentioned in this order.

In addition, the petitioner (or any one on their behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

Feburary 16, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>