

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-48596-2022 (O&M)

Date of Decision: 10.2.2023

Mudassir Ahmad Meer

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Balraj Gujjar, Advocat, for the petitioner.
Mr. Vishal Kashyap, DAG, Haryana

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.436 dated 28.10.2020 registered for the offences punishable under Sections 420, 467, 468, 471, 406, 120-B IPC at Police Station Kotwali, District Faridabad.

The allegations in nutshell are that co-accused Iqbal and Sameer alias Rashid took loan from Magma Fincorp Limited for purchase of two JCBs and thereafter, they defaulted in repaying the same and on inquiry, it was found that they submitted fake documents in support of their loan application. During the investigation, both of them were arrested. The allegation against the petitioner is that he purchased the aforesaid JCBs from Iqbal and Sameer alias Rashid. The petitioner was arrested in the present case on 20.9.2022.

Counsel for the petitioner *inter alia* contends that the petitioner has nothing to do with the loan, if any, availed by Iqbal and Sameer @ Rashid and in case, they defaulted in repayment of the said loan, then the

bank can take action against them in accordance with law. He further submits that the petitioner is in custody for the last more than 4 months and is not required by the police for any purpose and the challan stands presented. So, prayer is made that the petitioner be released on regular bail.

Present petition is resisted by the State counsel who submits that the petitioner was also part of the conspiracy, as per which, co-accused Iqbal and Sameer alias Rashid took loan from the finance company by submitting fake documents. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 4 months and that the investigation has been completed but charges are yet to be framed.

I have considered the submissions made by the counsel for the parties.

Admittedly, all the offences are triable by the Court of Judicial Magistrate, 1st Class. The investigation has been completed but the trial is yet to commence and the petitioner is in custody for the last more than 4 months and is having no other case. It will take time for conclusion of trial even after its commencement. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

February 10, 2023

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No