

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

CRM-M-48225-2022 (O&M)
Date of Decision:-12.05.2023

AJAY KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. G.P.S. Ghuman, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Ms. Neeru Bansal, Advocate
for the complainant.

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KARAMJIT SINGH, J. (Oral)

CRM-20977-2023

1. In view of the reasons mentioned in the application, the same is allowed and the main case is ordered to be taken on board today itself.

Main Case

1. Prayer is for grant of regular bail in case having FIR No.329 dated 22.05.2022 registered under Sections 120-B, 406, 420, 467, 468, 471 and 506 IPC at Police Station Gharaunda, District Karnal.

2. The allegations in nut-shell are that the petitioner and other accused took Rs.7.5 lacs from complainant on the pretext of providing him job in Military Engineering Service (MES) and later on the accused persons failed to provide any such job and also refused to return the money to the complainant.
3. The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and there are only verbal allegations that payment of Rs.3.5 lacs was made to the petitioner by the complainant and that too in the year 2016 and no document is available with the complainant in order to establish this fact. The counsel for the petitioner further submits that the FIR in the present case was registered in the year 2022 i.e. after 6 years of the alleged payment. The counsel for the petitioner further submits that the petitioner is in custody since 12.8.2022 and the case is at its initial stage as charges are yet to be framed. So prayer is made that the petitioner be released on bail.
4. The instant petition is resisted by the State counsel, who submits that the petitioner and his accomplices defrauded the complainant of Rs.7.5 lac on the pretext of providing him job in Military Engineering Service. The State counsel further submits that the petitioner is also involved in two other cases of similar nature. However, the State counsel on instructions from ASI Naveen Kumar has not disputed the fact that the petitioner was arrested on 12.8.2022 and that charges are yet to be framed by the trial Court and further that there were no bank transactions between the petitioner and complainant regarding

payment of Rs.3.5 lac alleged to be made by the complainant to the petitioner.

5. I have considered the submissions made by counsel for the parties.
6. Admittedly all the offences are triable by the Court of Judicial Magistrate Ist Class. In the absence of any document, it is matter of trial as to if any alleged payment was ever made by the complainant to the petitioner. Further the petitioner is in custody since 12.8.2022. The investigation has been completed and challan stands presented but charges are yet to be framed and even thereafter it will take considerable time for the trial to terminate, so no fruitful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period.
7. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

12.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No