

202

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47192-2023
Date of decision: 16.12.2023

LAXMI NARAYAN

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Dr. Pankaj Nanhera, Advocate and
Mr. Rahul Guatam, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Niylesh Bhardwaj, Advocate and
Mr. Akhil Kamra, 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.300 dated 25.09.2009, under Sections 120-B, 406, 420, 467, 468, 471 and 506 of the IPC, registered at Police Station Kotwali Faridabad, Haryana.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 23.04.2023, which is almost 8 months. He further submitted that the investigation of the case has been completed by the police and thereafter, challan has also been presented before the competent Court. He also submitted that the present is a case which is triable by Magistrate and the allegations against the petitioner were pertaining to non-payment of loan and further transferring the

vehicle by way of a forged RC. He further submitted that in fact the loan amount has also been paid back by the petitioner and the said vehicle has also been taken by the finance company. He further submitted that the petitioner has clean antecedents and he is not involved in any other case and therefore, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana submitted that it is correct that the petitioner is in custody from 23.04.2023, which is almost 8 months and the present is a case which is triable by Magistrate. He further submitted that the investigation of the case has already been completed by the police and the petitioner is not involved in any other case except in one case under Section 174-A of the IPC. He also submitted that the petitioner has cheated the finance company and therefore, the petitioner does not deserve the concession of regular bail.

4. Learned counsel for the complainant submitted that he does not have any information with regard to the fact that the amount has been paid back or not by the petitioner. He further submitted that there are allegations of forgery against the petitioner.

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

6. The petitioner is in custody from 23.04.2023, which is about 8 months and the investigation of the case has already been completed and thereafter, challan has also been presented and charges are yet to be framed. The present is a case which is triable by Magistrate and the petitioner is not involved in any other case except in one case under Section 174-A of the IPC. As per the learned counsel for the parties, earlier the petitioner was declared as proclaimed offender but thereafter, he was arrested and now the custody of the petitioner comes out to be about 8 months. The total subject matter of the present dispute is

only Rs.2,50,000/- and the said amount according to learned counsel for the petitioner has already been re-paid by the petitioner to the finance company. Be that as it may, considering the aforesaid facts and circumstances of the present case and also the fact that the present is a case which is triable by Magistrate and the petitioner has already faced incarceration for about 8 months, this Court is of the view that the petitioner deserves the concession of regular bail.

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.

16.12.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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