

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-49675-2022
Date of decision: 18.07.2023

Kamal Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Namit Khurana, Advocate for the petitioner.

Mr. Munish Sharma, DAG, Haryana.

Mr. Vikas Chatrath, Advocate
for the complainant.

SUVIR SEHGAL, J. (ORAL)

1. This is the second petition filed under Section 439 Cr.PC seeking grant of post-arrest bail in:

FIR No.	Dated	Police Station	Sections
26	20.01.2020	Civil Line, Karnal, District Karnal	379, 420 of IPC, 1860 (Wherein Sections 408, 120-B, 201 of IPC and Sections 66 and 66-D of the Information Technology Act, 2000 were added and Section 379 of IPC was deleted later on).

2. FIR has been registered on the complaint of Jaipal Singh wherein he stated that he is a lawyer by profession and has a saving bank account in State Bank of India, Model Town, Karnal. On 18.01.2020, his mobile was receiving 'No Service' and the next day it was restored. He transferred Rs.5000/- by IMPS to the bank account of his son and realized that an amount of Rs.16 lacs had been fraudulently withdrawn from his account, which was credited in different bank accounts with different banks.

as a driver with the complainant and he has neither been named in the FIR nor any allegation has been levelled against him therein. He submits that on the basis of supplementary statement of the complainant which was recorded much later, the complainant has alleged that the petitioner had played mischief and fraudulently transferred the money. Counsel submits that the petitioner has clean past and was released on interim bail due to outbreak of Covid-19 but he did not misuse the concession granted to him and surrendered back on time. Still further he submits that investigation qua the petitioner has been completed, charge has been framed on 29.04.2023 and the petitioner is no longer required for custodial interrogation.

4. Per contra, State counsel, who is assisted by the counsel for the complainant has opposed the prayer made in the petition and has submitted that cash amount of Rs.1.93 lacs has been recovered from the petitioner. It has been argued that petitioner in connivance with co-accused Sachin Bhardwaj and his spouse Babita Bhardwaj, who are relatives of the petitioner, had defrauded the complainant of Rs.15.20 lacs.

5. I have heard counsel for the parties and considered their respective submissions.

6. The role ascribed to the petitioner and the accusation levelled against him would be determined by the trial Court. Offence is triable by a Magistrate. Petitioner is in custody for the last more than 12 months and has unblemished antecedents. Charges have been framed and all 17 prosecution witnesses are yet to be examined. Therefore, this Court is of the view that the petitioner deserves to be enlarged on bail during the pendency of the trial as the trial is unlikely to conclude in the near future.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to

be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

18.07.2023
Parveen kumar

(SUVIR SEHGAL)
JUDGE

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No