

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(230)

CRM-M-49135-2023
Date of decision:- 29.11.2023

Naresh @ Bintu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Chander Pal Tiwana, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
431	17.12.2022	Bhuna, District Fatehabad	379-B, 323, 427 and 34, IPC

2. Version of the prosecution is that FIR, Annexure P-1, has been registered by Kala Ram on the allegation that he sold his tractor for Rs.2.70 lacs to Naresh @ Bintu, present petitioner, on 03.12.2022, who issued a cheque to him, which on presentation was dis-honoured due to mismatch of signature. Along with his wife, Guddi, daughter, Aman, Rajesh Kumar, a Ward Representative and other panchayat members, complainant went to the house of Naresh @ Bintu and while they were waiting outside, Naresh @ Bintu, who was driving a Santro car at a high speed, collided his car with their vehicle. Naresh @ Bintu along with his accomplices also assaulted the complainant and his family members, damaged the vehicle and snatched Rs.10,000/- from him.

3. Counsel for the petitioner contends that the petitioner has been falsely implicated on the allegation of assault and snatching as no recovery has been made from him. By referring to the allegations levelled in the FIR, he submits that the dispute is regarding the payment of a tractor allegedly purchased by the petitioner. He asserts that although petitioner has been named as an accused in a number of criminal cases, but in so far as the present dispute is concerned, it is a very minor one. He submits that the petitioner, who is in custody since 14.06.2023, deserves to be enlarged on bail as charge has been framed and the trial is likely to take time to conclude.

4. *Per contra*, State counsel, upon instructions from SI, Ravinder Singh, has opposed the petition by submitting that the allegation against the petitioner is serious. Referring to the Custody Certificate, which is already on the record, he submits that the petitioner is involved in as many as thirty two criminal cases and if he is released on bail, he is likely to abscond. State counsel has affirmed that charge has been framed on 16.11.2023, but no prosecution witness has been examined.

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

6. An examination of the Custody Certificate shows that most of the cases against the petitioner are either for offences of cheating, misappropriation of money, forging of documents or complaints under Section 138 of the Negotiable Instruments Act, 1881, although, there are two FIRs against him under Section 174-A, IPC. Noticing the nature of allegations levelled against the petitioner, role ascribed to him, stage of proceedings and custody of more than five months, this Court is *prima facie*

of the view that he deserves to be enlarged on bail, though some conditions deserve to be imposed.

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. While being released on bail, petitioner shall surrender his passport, in case he possesses one and also furnish an undertaking by way of an affidavit that henceforth he will not indulge in any unlawful activity. Petitioner shall also keep the S.H.O. of the Police Station concerned informed about his activities. In case, the petitioner violates any of the conditions, liberty is granted to the State to seek cancellation of bail.
9. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)

JUDGE

29.11.2023

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No