

107+207 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54286-2022 (O&M)
Decided on:-27.01.2023

Akash BhallaPetitioner..

vs.

State of HaryanaRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Anand Chhibbar, Sr. Advocate with
Mr. Karanvir Nanda, Advocate for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. Pardeep Virk, Advocate,
for the complainant.

HARKESH MANUJA J. (Oral)

CRM-2357-2023

Notice of the application to non-applicant/respondent.

CRM-3574-2023

Notice of the application to non-applicant/respondent.

CRM-3664-2023

Notice of the application to non-applicant/respondent.

CRM-3961-2023

Notice of the applications to non-applicant/respondent.

Mr. Sumit Jain, Addl. A.G., Haryana and Mr. Pardeep Virk,
Advocate for the complainant accept notice of the above applications and
raise no objection to the prayer made therein.

For the reasons mentioned in the applications, the same are
allowed. Documents i.e. the details of cases pending against the petitioner
(Annexures P-8 to Annexure P-33) are taken on record. Be tagged at

appropriate place.

CRMs stand disposed of.

Main case

By way of present petition, the prayer made herein is for grant of regular bail in case FIR No.0110 dated 28.05.2022, under Sections 120-B, 420, 467, 468 and 471 IPC, registered at Police Station Sector 20, Panchkula.

Learned counsel for the petitioner submits that the allegations levelled in the FIR against the petitioner are of having stolen the cheque book of the complainant and trying to get those cheques encashed by misusing the same. The petitioner is in custody since 08.07.2022.

Learned counsel for the petitioner further submits that even as per the allegations levelled in the FIR, the cheques were never got misused and the investigation in the present case already stands concluded with the filing of challan and the proceedings before the trial court are fixed for consideration upon charges and, thus, prays for grant of concession of regular bail.

On the other hand, prayer made at the instance of the petitioner has been opposed at the instance of learned State counsel assisted by Mr.Pardeep Virk, Advocate appearing on behalf of the complainant, by submitting that there are 19 other cases pending against the petitioner as on the date of registration of the FIR, in question, out of which, he has already been granted bail in 9 cases, whereas, in the remaining 10 cases, he has not been arrested so far. Learned counsel for the complainant submits that petitioner is in fact habitual offender and, thus, does not deserve the concession of regular bail.

I have heard learned counsel for the parties and gone through

the record.

No doubt, from the perusal of record, it can be made out that 16 other cases are registered against the petitioner, out of which, 05 are at the instance of the complainant or her family members, even otherwise, for the purpose of consideration of grant of bail, allegations levelled in the present FIR are to be seen primarily, though, subject to due consideration about the antecedents of the petitioner. In the present case, more or less other FIRs against the petitioner arise out of the dispute relating to business transactions.

Considering the fact that apparently there have been no allegations of misuse of any cheques either by the petitioner; or at his instance, as well as the fact that investigation stands concluded, challan presented; all the offences are triable by Magistrate and the proceedings before the trial court are fixed for consideration upon charges, there does not appear to be any justification to keep the petitioner behind the bars by extending his incarceration.

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

27.01.2023

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(HARKESH MANUJA)

JUDGE

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